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BILL 49

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

84

**An Act to amend The Securities Act, 1966**

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

Self-explanatory.



BILL 49

1968-69

## An Act to amend The Securities Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Securities Act, 1966* is amended by adding thereto <sup>1966, c. 142, amended</sup> the following section:

6a. Every registered broker, broker-dealer, investment <sup>Security</sup> dealer or sub-broker-dealer shall maintain a bond or insurance that would indemnify all persons from all loss of securities or of moneys for investment held by the broker, broker-dealer, investment dealer or sub-broker-dealer due to his defalcation, fraud or bankruptcy and shall furnish the Director with proof and particulars of the bonding or insurance.

**2.** This Act comes into force on the 1st day of September, <sup>Commence-</sup> 1969. <sup>ment</sup>

**3.** This Act may be cited as *The Securities Amendment Act*, <sup>Short title</sup> 1968-69.

An Act to amend The Securities Act, 1966

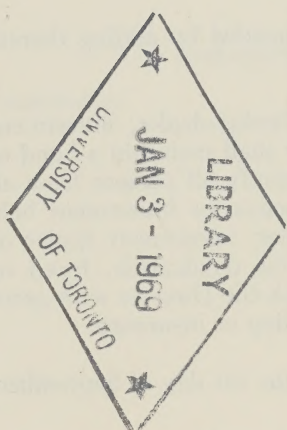
*1st Reading*

December 19th, 1968

*2nd Reading*

*3rd Reading*

MR. SHULMAN





BILL 50

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

BILL 50

1968-69

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario

**An Act to amend The County Judges Act**

1. (1) Subsection 1 of the County Judges Act, 1959, is amended to read as follows:

(1) A justice judge may be appointed for the county court of each of the counties of Lambton and Wainwright and for the district court of each of the districts of Grey, Simcoe and Thunder Bay.

(2) Subsection 2 of the County Judges Act, 1959, is amended by inserting after "it" where it appears in the second line of the subsection so that the subsection shall read as follows:

MR. WISHART

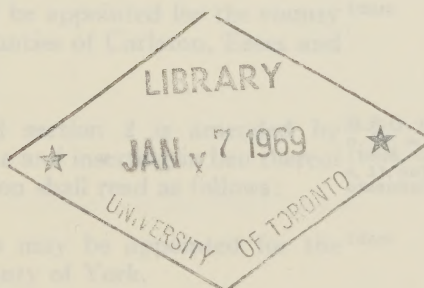
(3) Two justice judges may be appointed for the county court of each of the counties of Lambton and Wainwright.

(4) Subsection 4 of the County Judges Act, 1959, is amended by striking out "Ten" in the first line and inserting "Fourteen", so that the subsection shall read as follows:

(4) Fourteen justice judges may be appointed for the county court of the county of York.

2. The Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as The County Judges Amendment Act, 1968-69.



2ND SESSION, 35TH LEGISLATURE, ONTARIO  
17 FEBRUARY 11, 1958-59

An Act to amend The County Judges Act

EXPLANATORY NOTE

The amendments increase the junior judges in Carleton County from one to two and in York County from ten to fourteen.





BILL 50

1968-69

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act*, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “Carleton” in the second line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 1,  
amended

- (1) A junior judge may be appointed for the county court of each of the counties of Lincoln and Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay. Junior  
judges

(2) Subsection 2 of the said section 2 is amended by inserting after “of” where it occurs the third time in the second line “Carleton”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 2,  
amended

- (2) Two junior judges may be appointed for the county court of each of the counties of Carleton, Essex and Wentworth. Idem

(3) Subsection 4 of the said section 2 is amended by striking out “Ten” in the first line and inserting in lieu thereof “Fourteen”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 4,  
amended

- (4) Fourteen junior judges may be appointed for the county court of the county of York. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The County Judges Amendment Act, 1968-69*. Short title

An Act to amend The County Judges Act

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*1st Reading*

December 20th, 1968

*2nd Reading*

*3rd Reading*

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MR. WISHART

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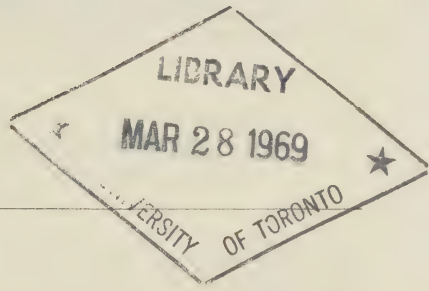


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BILL 50

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

An Act to amend The County Judges Act



MR. WISHART

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The amendments increase the junior judges in Carleton County from one to two and in York County from ten to fourteen.

BILL 50

1968-69

## An Act to amend The County Judges Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The County Judges Act*, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “Carleton” in the second line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 1,  
amended

- (1) A junior judge may be appointed for the county court of each of the counties of Lincoln and Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay. Junior  
judges

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 2,  
re-enacted

- (2) Two junior judges may be appointed for the county court of the Regional Municipality of Ottawa-Carleton and of each of the counties Essex and Wentworth. Idem

(3) Subsection 4 of the said section 2 is amended by striking out “Ten” in the first line and inserting in lieu thereof “Fourteen”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 77, s. 2  
(1968, c. 22,  
s. 1), subs. 4,  
amended

- (4) Fourteen junior judges may be appointed for the county court of the county of York. Idem

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The County Judges Amendment Act, 1968-69*. Short title



An Act to amend The County Judges Act

*1st Reading*

December 20th, 1968

*2nd Reading*

February 19th, 1969

*3rd Reading*

MR. WISHART

*(Reprinted as amended by  
the Committee of the Whole House)*

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**BILL 50**

Government  
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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

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**An Act to amend The County Judges Act**

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MR. WISHART

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## BILL 50

1968-69

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act*, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “Carleton” in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 1, amended

(1) A junior judge may be appointed for the county court of each of the counties of Lincoln and Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay. Junior judges

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 2, re-enacted

(2) Two junior judges may be appointed for the county court of the Regional Municipality of Ottawa-Carleton and of each of the counties of Essex and Wentworth. Idem

(3) Subsection 4 of the said section 2 is amended by striking out “Ten” in the first line and inserting in lieu thereof “Fourteen”, so that the subsection shall read as follows: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 4, amended

(4) Fourteen junior judges may be appointed for the county court of the county of York. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The County Judges Amendment Act, 1968-69*. Short title

An Act to amend The County Judges Act

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*1st Reading*

December 20th, 1968

*2nd Reading*

February 19th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

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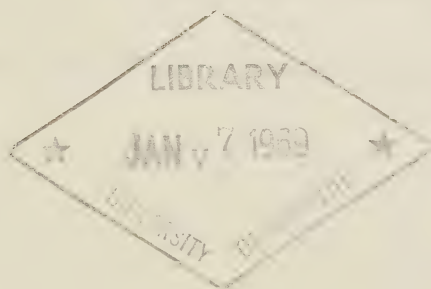
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BILL 51

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

An Act to amend The Workmen's Compensation Act

MR. JACKSON



TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendment provides that a total disability allowance paid to a workman will not be reduced where his disability becomes partial until suitable employment is reasonably available.



BILL 51

1968-69

**An Act to amend  
The Workmen's Compensation Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 41 of *The Workmen's Compensation Act*, as <sup>R.S.O. 1960,</sup> amended by section 5 of *The Workmen's Compensation Amend-* <sup>c. 437, s. 41,</sup> *ment Act, 1962-63*, is further amended by adding thereto the following subsection:

(2) Where a workman is in receipt of an allowance in <sup>Idem</sup> respect of a temporary total disability that becomes a temporary partial disability, the reduced compensation referred to in subsection 1 shall commence from the time employment in a suitable employment or business becomes reasonably available.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Workmen's Compensation* <sup>Short title</sup> *Amendment Act, 1968-69*.

An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

December 20th, 1968

*2nd Reading*

*3rd Reading*

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MR. JACKSON

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## BILL 52

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

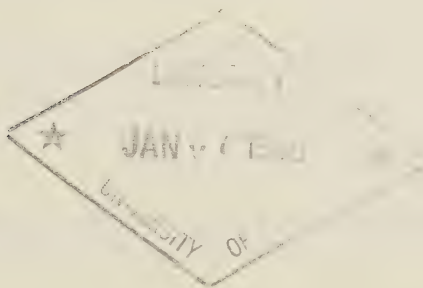
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An Act to amend The Child Welfare Act, 1965

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill prevents children leaving the Province for adoption unless adoption opportunities have been exhausted in Ontario and the adopting home meets Ontario standards.



## BILL 52

1968-69

## An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Child Welfare Act, 1965* is amended by adding <sup>1965, c. 14, amended</sup> thereto the following section:

84a. A children's aid society shall not place a child for adoption and no interim custody order or adoption order shall be made where the adopting parents <sup>Where adoptive home outside Ontario</sup> are ordinarily resident outside of Ontario unless,

- (a) the availability of the child for adoption has been advertised at least once each week for sixteen weeks in a newspaper having general circulation throughout Ontario and at least two months have elapsed since the sixteenth publication;
- (b) there is no prospect of adopting parents being found who are ordinarily resident in Ontario and otherwise qualified; and
- (c) the qualifications of the adopting parents have been investigated by the children's aid society personally by its own staff and meet the standards required for adoptions in Ontario.

2. Section 1 does not apply to adoption orders in respect of children placed for adoption before this Act comes into force. <sup>Application of section 1</sup>

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

4. This Act may be cited as *The Child Welfare Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend  
The Child Welfare Act, 1965

*1st Reading*

December 20th, 1968

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
17 ELIZABETH II, 1968-69

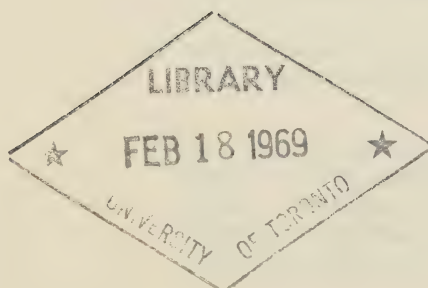
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**An Act to amend The Securities Act, 1966**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The amendment requires that shareholders of public corporations be notified of material changes in the corporate affairs that affect the value of the shares.

## An Act to amend The Securities Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Securities Act, 1966* is amended by adding thereto <sup>1966, c. 142, amended</sup> the following section:

- 129a.—(1) Where a material change or development occurs <sup>Notice of material changes</sup> in the affairs of a corporation, the directors shall cause a notice giving the particulars of the change to be sent to each registered shareholder as soon as is practicable but not later than the tenth day of the month immediately following the month in which the change occurs.
- (2) For the purposes of subsection 1, a material change or <sup>What constitutes material change</sup> development includes,
- (a) an actual or proposed change in the control of the corporation;
  - (b) an actual or proposed acquisition or disposition of material assets;
  - (c) any proposed take-over, merger, consolidation, amalgamation or reorganization;
  - (d) any material discoveries, changes or developments in the corporation's resources, technology, products or contracts that would materially increase or decrease the earnings of the corporation;
  - (e) any proposed change in capital structure, including stock splits or stock dividends;



- (f) any indicated increase or decrease of earnings of more than recent average size and any changes in dividends;
- (g) any other change in the affairs of the corporation that could reasonably be expected to affect materially the value of the share.

Short title      **2.** This Act may be cited as *The Securities Amendment Act, 1968-69*.







An Act to amend The Securities Act, 1966

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*1st Reading*

February 4th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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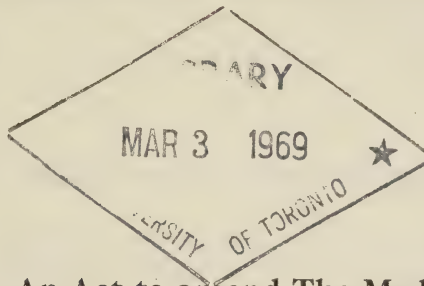


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## BILL 54

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



### An Act to amend The Medical Act

MR. SHULMAN

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. A lay member is added to the composition of the Council of the College of Physicians and Surgeons of Ontario to be appointed by the Lieutenant Governor in Council.

Subsection 2. Complementary to subsection 1.

SECTION 2. The lay member of the Council is to be one of the five-member discipline committee.

## BILL 54

1968-69

## An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 234, s. 3,  
subs. 1,  
amended

1a. One member who is not a legally qualified medical practitioner, to be appointed by the Lieutenant Governor in Council. Lay  
member

(2) Subsection 3 of the said section 3 is amended by inserting after "subsection 1" in the first and second lines "other than the member appointed by the Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960,  
c. 234, s. 3,  
subs. 3,  
amended

(3) Every member of the Council appointed under subsection 1 other than the member appointed by the Lieutenant Governor in Council shall be a legally qualified medical practitioner resident in Ontario. All members  
but one  
to be  
practi-  
tioners

2. Subsection 1 of section 34 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "one of whom shall be the member who is not a legally qualified medical practitioner", so that the subsection shall read as follows: R.S.O. 1960,  
c. 234, s. 34  
(1962-63,  
c. 80, s. 1),  
subs. 1,  
amended

(1) The Council shall appoint five members of the Council, one of whom shall be the member who is not a legally qualified medical practitioner, as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act. Discipline  
committee

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

Short title      **4.** This Act may be cited as *The Medical Amendment Act, 1968-69*.



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An Act to amend The Medical Act

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*1st Reading*

February 6th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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BILL 55

Governmen  
1968-69

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend  
The Department of Correctional Services Act, 1968

MR. SHULMAN



EXPLANATORY NOTE

Self-explanatory.

BILL 55

1968-69

**An Act to amend  
The Department of Correctional  
Services Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Correctional Services Act, 1968* is <sup>1968, c. 27,</sup> amended by adding thereto the following section:

20a. The Lieutenant Governor in Council may establish a conjugal visiting programme under which persons detained in a correctional institution or any class thereof may, under such terms and conditions as are specified, receive visits from the husbands or wives of such persons for the purpose of continuing or resuming their marital relations. <sup>Conjugal  
visiting  
programme</sup>

**2.** Subsection 1 of section 34 of *The Department of Correctional Services Act, 1968* is amended by adding thereto the following clause: <sup>1968, c. 27,  
s. 34,  
subs. 1,  
amended</sup>

(ca) establishing and governing the conjugal visiting programme referred to in section 20a.

**3.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**4.** This Act may be cited as *The Department of Correctional Services Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend The Department of  
Correctional Services Act, 1968

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*1st Reading*

February 10th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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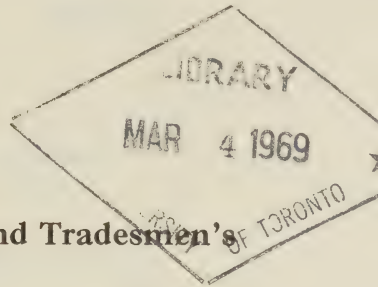
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**BILL 56**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Apprenticeship and Tradesmen's  
Qualification Act, 1964**

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

These provisions are designed to clarify the intent of the Act as to the persons who may work in, or be employed in, a certified trade.



BILL 56

1968-69

## An Act to amend The Apprenticeship and Tradesmen's Qualification Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is repealed and the following substituted therefor: 1964, c. 3,  
s. 10,  
subs. 2,  
re-enacted

(2) No person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, shall work or be employed in a certified trade unless he holds a subsisting certificate of qualification in the certified trade. Persons who  
may work in  
a certified  
trade

(2a) No person shall employ any person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, in a certified trade unless the person employed holds a subsisting certificate of qualification in the certified trade. Persons who  
may be  
employed in  
a certified  
trade

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1968-69*. Short title

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An Act to amend The Apprenticeship and  
Tradesmen's Qualification Act, 1964

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*1st Reading*

February 11th, 1969

*2nd Reading*

*3rd Reading*

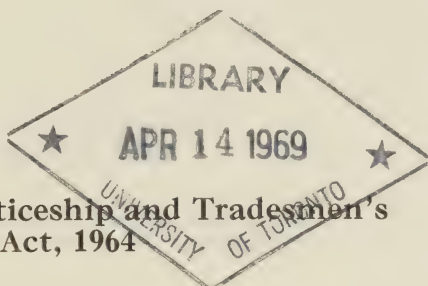
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MR. BALES

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## BILL 56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Apprenticeship and Tradesmen's  
Qualification Act, 1964

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 56

1968-69

## An Act to amend The Apprenticeship and Tradesmen's Qualification Act, 1964

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 10 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is repealed and the following substituted therefor: 1964, c. 3,  
s. 10,  
subs. 2,  
re-enacted

(2) No person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, shall work or be employed in a certified trade unless he holds a subsisting certificate of qualification in the certified trade. Persons who  
may work in  
a certified  
trade

(2a) No person shall employ any person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, in a certified trade unless the person employed holds a subsisting certificate of qualification in the certified trade. Persons who  
may be  
employed in  
a certified  
trade

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1968-69*. Short title

An Act to amend The Apprenticeship and  
Tradesmen's Qualification Act, 1964

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*1st Reading*

February 11th, 1969

*2nd Reading*

March 17th, 1969

*3rd Reading*

March 25th, 1969

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MR. BATES

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**BILL 57**

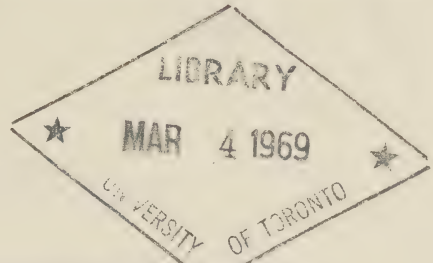
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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Human Tissue Act, 1962-63**

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MR. BURR

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**TORONTO**

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



#### EXPLANATORY NOTES

SECTION 1. The amendment permits the use of a donor's body without the authorization of next of kin where he dies outside a hospital.

SECTIONS 2 and 3. The amendments permit the use of a body of a person who is not a donor to be authorized by the nearest class of next of kin who are available, notwithstanding that persons in a closer relationship exist but are not available.

BILL 57

1968-69

## An Act to amend The Human Tissue Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Human Tissue Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 59, s. 3,  
re-enacted
  3. Where a donor dies in a place other than a hospital, the first person who has knowledge of the death and also that the deceased is a donor shall immediately notify the coroner who may authorize and require that the body be handed over to such hospital or other institution as the coroner designates as appropriate for the purposes of the donor's request. Death  
outside  
hospital
2. Section 4 of *The Human Tissue Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,  
c. 59, s. 4,  
amended
  - (2) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not  
available
3. Section 4a of *The Human Tissue Act, 1962-63*, as enacted by section 1 of *The Human Tissue Amendment Act, 1967*, is amended by adding thereto the following subsection: 1962-63,  
c. 59, s. 4a  
(1967, c. 38,  
s. 1),  
amended
  - (3) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not  
available
4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
5. This Act may be cited as *The Human Tissue Amendment Act, 1968-69*. Short title

An Act to amend  
The Human Tissue Act, 1962-63

*1st Reading*

February 11th, 1969

*2nd Reading*

*3rd Reading*

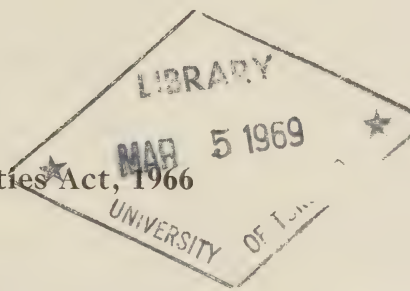
MR. BURR

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Securities Act, 1966



MR. SHULMAN

TORONTO

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#### EXPLANATORY NOTE

In addition to the liability of an insider to compensate a person or company for direct loss suffered as a result of use of confidential information in the manner specified, the Bill makes it an offence to so use such information.

BILL 58

1968-69

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 113 of *The Securities Act, 1966*<sup>1966, c. 142, s. 113, subs. 1, amended</sup> is amended by adding at the end thereof "and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000", so that the subsection shall read as follows:

- (1) Every insider of a corporation or associate or affiliate<sup>Liability of insiders</sup> of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known or ought reasonably to have been known to such person or company at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. This Act comes into force on the day it receives Royal Assent.<sup>Commencement</sup>

3. This Act may be cited as *The Securities Amendment Act, 1968-69*.<sup>Short title</sup>

An Act to amend The Securities Act, 1966

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*1st Reading*

February 11th, 1969

*2nd Reading*

*3rd Reading*

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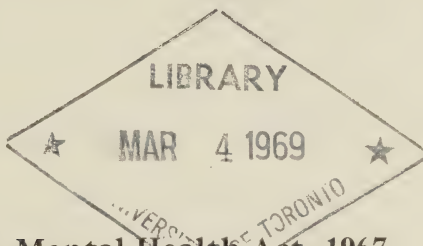
MR. SHULMAN

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## BILL 59

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Mental Health Act, 1967**

MR. SHULMAN

#### EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

BILL 59

1968-69

## An Act to amend The Mental Health Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act, 1967* <sup>1967, c. 51, s. 14, subs. 1, amended</sup> is amended by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:

- (1) Where a judge or magistrate has reason to believe <sup>Judge's order for examination</sup> that a person who appears before him charged with or convicted of an offence suffers from mental disorder, the judge or magistrate may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Mental Health Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend  
The Mental Health Act, 1967

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*1st Reading*

February 12th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

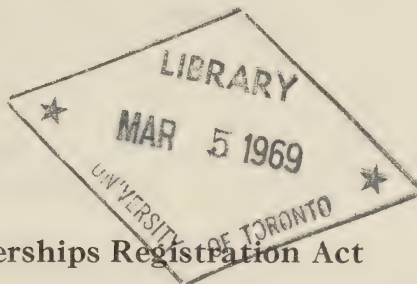
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# BILL 60

Unrecorded  
Legislation

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



## An Act to amend The Partnerships Registration Act

MR. WISHART

EXPLANATORY NOTE

Self-explanatory.

BILL 60

1968-69

## An Act to amend The Partnerships Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Partnerships Registration Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 289,  
amended

### CENTRAL REGISTRY

16. Notwithstanding anything in this Act or in *The Limited Partnerships Act*, the Lieutenant Governor in Council may make regulations providing for the establishment of a central registry of all declarations, certificates and records under this Act and under *The Limited Partnerships Act* and may in the regulations make provision,
- (a) for the filing in the central registry of declarations under this Act and certificates under *The Limited Partnerships Act* in respect of any registry division;
  - (b) respecting the books and records to be kept in the central registry;
  - (c) requiring the payment of fees to the Registrar of Partnerships upon the performance of any official function under this Act;
  - (d) prescribing forms and providing for their use;
  - (e) providing for the microfilming of declarations and certificates filed in the central registry;
  - (f) governing the custody and destruction of declarations and certificates filed in the central registry.

Registrar of  
Partnerships

17.—(1) There shall be a Registrar of Partnerships who, subject to subsection 2, shall be appointed by the Lieutenant Governor in Council.

Idem

(2) Until such time as a Registrar of Partnerships is appointed under subsection 1, the registrar for the registry division of Toronto is *ex officio* the Registrar of Partnerships and shall act under the direction of the Inspector of Legal Offices.

Deputies

(3) The Registrar of Partnerships may designate one or more persons on the staff of his office to act on his behalf.

Functions

(4) It shall be the function of the Registrar of Partnerships to supervise the operation of the central registry and the centralization of records under this Act.

Seal

(5) The Registrar of Partnerships shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Location  
of central  
registry

18. The central registry may be located in such place as the Lieutenant Governor in Council orders and until such an order is made shall be operated in conjunction with the registry office for the registry division of Toronto.

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Partnerships Registration Amendment Act, 1968-69*.









An Act to amend  
The Partnerships Registration Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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**BILL 60**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Partnerships Registration Act**

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MR. WISHART

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BILL 60

1968-69

## An Act to amend The Partnerships Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Partnerships Registration Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 289,  
amended

### CENTRAL REGISTRY

16. Notwithstanding anything in this Act or in *The Limited Partnerships Act*, the Lieutenant Governor <sup>Central registry</sup> in Council may make regulations providing for the R.S.O. 1960,  
c. 215 establishment of a central registry of all declarations, certificates and records under this Act and under *The Limited Partnerships Act* and may in the regulations make provision,
- (a) for the filing in the central registry of declarations under this Act and certificates under *The Limited Partnerships Act* in respect of any registry division;
  - (b) respecting the books and records to be kept in the central registry;
  - (c) requiring the payment of fees to the Registrar of Partnerships upon the performance of any official function under this Act;
  - (d) prescribing forms and providing for their use;
  - (e) providing for the microfilming of declarations and certificates filed in the central registry;
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Commence-  
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**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Partnerships Registration Amendment Act, 1968-69*.









An Act to amend  
The Partnerships Registration Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

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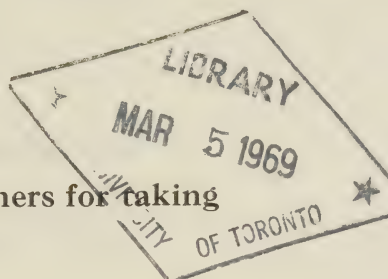
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BILL 61

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Commissioners for taking  
Affidavits Act



MR. WISHART

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment would add controllers and aldermen of municipalities other than cities, (e.g., the boroughs of Metropolitan Toronto), as *ex officio* commissioners.

Subsection 2. The chairman, vice-chairman and secretary-treasurer of improvement districts are added as *ex officio* commissioners.

SECTION 2. The provision repealed makes commissioners officers of the Supreme Court.

SECTION 3. The amendment removes the words limiting the taking of affidavits to court actions, thus permitting the taking of affidavits required by a statute and states the present practice of making limited appointments.

BILL 61

1968-69

## An Act to amend The Commissioners for taking Affidavits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 2 of *The Commissioners for taking Affidavits Act* is amended by striking out “city” in the third line and inserting in lieu thereof “municipality”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 59, s. 2,  
subs. 4,  
amended

(4) The head of every municipal council, the reeve of every town, every deputy reeve and every controller and alderman of a municipality is *ex officio* a commissioner for taking affidavits in the county or district in which the municipality is situate. Heads of  
municipal  
councils,  
etc.

(2) The said section 2, as amended by section 1 of *The Commissioners for taking Affidavits Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 59, s. 2,  
amended

(5) The chairman, vice-chairman and secretary-treasurer of every improvement district are *ex officio* commissioners for taking affidavits in the county or district in which the improvement district is situate. Improve-  
ment  
districts

2. Section 4 of *The Commissioners for taking Affidavits Act* is repealed. R.S.O. 1960,  
c. 59, s. 4,  
repealed

3. Subsection 1 of section 6 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 59, s. 6,  
subs. 1,  
re-enacted

(1) The Lieutenant Governor may by commission empower any person of the age of twenty-one years or over to administer oaths and take affidavits authorized by law within or outside Ontario or subject to such limits as to duration, territory or purpose as the Lieutenant Governor specifies in the appointment. Appoint-  
ment  
of com-  
missioners

Past oaths  
validated

**4.** The chairmen, vice-chairmen and secretary-treasurers of improvement districts and the controllers and aldermen of municipalities other than cities shall be deemed to have always been *ex officio* commissioners for taking affidavits.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1968-69*.



SECTION 4. The amendment in section 1 of the Bill removes doubts that exist as to the capacity of the officials named to take affidavits. This section would remove doubts as to the validity of oaths taken in the past in a mistaken interpretation of the law.





An Act to amend The Commissioners  
for taking Affidavits Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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B 56

**BILL 61**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Commissioners for taking  
Affidavits Act**



MR. WISHART

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment would add controllers and aldermen of municipalities other than cities, (e.g., the boroughs of Metropolitan Toronto), as *ex officio* commissioners.

Subsection 2. The chairman, vice-chairman and secretary-treasurer of improvement districts are added as *ex officio* commissioners.

SECTION 2. The provision repealed makes commissioners officers of the Supreme Court.


SECTION 3. The amendment removes the words limiting the taking of affidavits to court actions, thus permitting the taking of affidavits required by a statute and states the present practice of making limited appointments.


BILL 61

1968-69

## An Act to amend The Commissioners for taking Affidavits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 1.—(1) Subsection 4 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 59, s. 2,  
subs 4,  
re-enacted

(4) The head of every municipal council, the reeve of every town, every deputy reeve and every controller and alderman of a municipality is *ex officio* a commissioner for taking affidavits in the county, district or regional municipality in which the municipality is situate. Heads of  
municipal  
councils,  
etc.  


(2) The said section 2, as amended by section 1 of *The Commissioners for taking Affidavits Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 59, s. 2,  
amended

(5) The chairman, vice-chairman and secretary-treasurer of every improvement district are *ex officio* commissioners for taking affidavits in the county or district in which the improvement district is situate. Improve-  
ment  
districts

2. Section 4 of *The Commissioners for taking Affidavits Act* is repealed. R.S.O. 1960,  
c. 59, s. 4,  
repealed

3. Subsection 1 of section 6 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 59, s. 6,  
subs. 1,  
re-enacted

(1) The Lieutenant Governor may by commission empower any person of the age of twenty-one years or over to administer oaths and take affidavits authorized by law within or outside Ontario or subject to such limits as to duration, territory or purpose as the Lieutenant Governor specifies in the appointment. Appoint-  
ment  
of com-  
missioners

Past oaths  
validated

**4.** The chairmen, vice-chairmen and secretary-treasurers of improvement districts and the controllers and aldermen of municipalities other than cities shall be deemed to have always been *ex officio* commissioners for taking affidavits.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1968-69*.



SECTION 4. The amendment in section 1 of the Bill removes doubts that exist as to the capacity of the officials named to take affidavits. This section would remove doubts as to the validity of oaths taken in the past in a mistaken interpretation of the law.





An Act to amend The Commissioners  
for taking Affidavits Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

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MR. WISHART

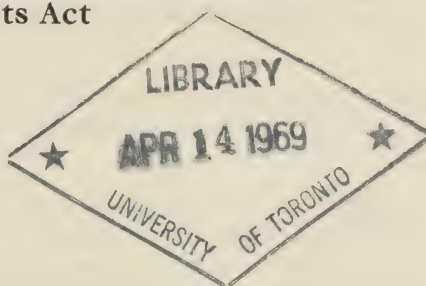
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(Reprinted as amended by  
the Committee of the Whole House)

**BILL 61**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Commissioners for taking  
Affidavits Act**



MR. WISHART



BILL 61

1968-69

## An Act to amend The Commissioners for taking Affidavits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 59, s. 2,  
subs 4,  
re-enacted

(4) The head of every municipal council, the reeve of every town, every deputy reeve and every controller and alderman of a municipality is *ex officio* a commissioner for taking affidavits in the county, district or regional municipality in which the municipality is situate. Heads of  
municipal  
councils,  
etc.

(2) The said section 2, as amended by section 1 of *The Commissioners for taking Affidavits Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 59, s. 2,  
amended

(5) The chairman, vice-chairman and secretary-treasurer of every improvement district are *ex officio* commissioners for taking affidavits in the county or district in which the improvement district is situate. Improve-  
ment  
districts

2. Section 4 of *The Commissioners for taking Affidavits Act* is repealed. R.S.O. 1960,  
c. 59, s. 4,  
repealed

3. Subsection 1 of section 6 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 59, s. 6,  
subs. 1,  
re-enacted

(1) The Lieutenant Governor may by commission empower any person of the age of twenty-one years or over to administer oaths and take affidavits authorized by law within or outside Ontario or subject to such limits as to duration, territory or purpose as the Lieutenant Governor specifies in the appointment. Appoint-  
ment  
of com-  
missioners

Past oaths  
validated

**4.** The chairmen, vice-chairmen and secretary-treasurers of improvement districts and the controllers and aldermen of municipalities other than cities shall be deemed to have always been *ex officio* commissioners for taking affidavits.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1968-69*.









An Act to amend The Commissioners  
for taking Affidavits Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

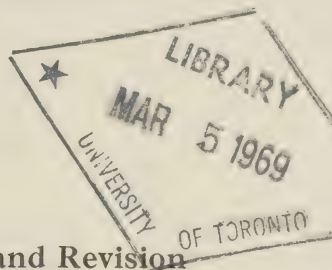
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BILL 62

Overmastered  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to provide for the Consolidation and Revision  
of the Statutes

MR. WISHART

#### EXPLANATORY NOTE

This Act will authorize the preparation and publication of the Revised Statutes of Ontario, 1970 in a manner similar to the current revision, the Revised Statutes of Ontario, 1960.

BILL 62

1968-69

## An Act to provide for the Consolidation and Revision of the Statutes

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Warner Cox Alcombrack, one of Her Majesty's <sup>Commissioners</sup> Counsel, and Arthur Norman Stone, one of Her Majesty's <sup>appoint-</sup> Counsel, Legislative Counsel and Associate Legislative <sup>ment</sup> Counsel respectively, or such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Minister of Justice and Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act.

(2) The commissioners and such persons as may assist <sup>remunera-</sup> them shall be paid such remuneration for their services under <sup>tion</sup> this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

**2.** The commissioners shall examine the Revised Statutes <sup>Duties</sup> of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of August, 1970, and shall arrange, consolidate and revise such statutes in accordance with this Act.

**3.** In the performance of their duties under this Act, the <sup>Powers</sup> commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors.

Printed roll

**4.** As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

**5.** There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1960, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1970 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1960, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

**6.—(1)** There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1960, showing the Acts contained in the Revised Statutes of Ontario, 1960 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1970 take effect and the extent of such repeal; and
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1960, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1970 and showing also the portions of the Revised Statutes of Ontario, 1960 and Acts passed thereafter that are not consolidated.

Effect of mention of an Act in schedules

(2) The mention of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1970.

Proclamation

**7.—(1)** After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the



day upon which the roll will come into force and have effect as law by the designation "Revised Statutes of Ontario, 1970".

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

8. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1970 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1970 having the same effect as such repealed and consolidated Act or enactment.

9. Copies of the Revised Statutes of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the Revised Statutes of Ontario, 1970 in all courts and places whatsoever.

10.—(1) The laws relating to the distribution of the printed copies of the sessional statutes do not apply to the Revised Statutes of Ontario, 1970, but the latter shall be distributed as the Lieutenant Governor in Council directs.

(2) The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Statutes of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

11. This Act shall be printed with the Revised Statutes of Ontario, 1970 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1970.

12. A chapter of the Revised Statutes of Ontario, 1970 may be cited and referred to in any Act, proceeding, instrument or document whatever either by its title as an Act or by using the expression "Revised Statutes of Ontario, 1970, chapter ", or the abbreviation "R.S.O. 1970, c. ", adding in each case the number of the particular chapter.

13. This Act may be cited as *The Statutes Revision Act*, 1968-69.





An Act to provide for the Consolidation  
and Revision of the Statutes

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

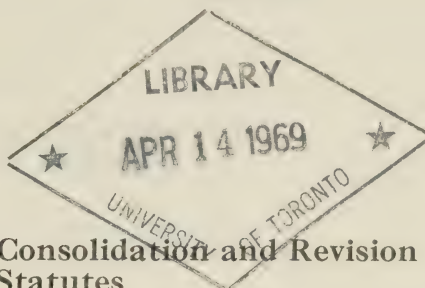
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MR. WISHART

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**BILL 62**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to provide for the Consolidation and Revision  
of the Statutes**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 62

1968-69

## An Act to provide for the Consolidation and Revision of the Statutes

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Warner Cox Alcombrack, one of Her Majesty's <sup>Commissioners, appointment</sup> Counsel, and Arthur Norman Stone, one of Her Majesty's Counsel, Legislative Counsel and Associate Legislative Counsel respectively, or such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Minister of Justice and Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act.

(2) The commissioners and such persons as may assist <sup>remuneration</sup> them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

**2.** The commissioners shall examine the Revised Statutes <sup>Duties</sup> of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of August, 1970, and shall arrange, consolidate and revise such statutes in accordance with this Act.

**3.** In the performance of their duties under this Act, the <sup>Powers</sup> commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors.

Printed roll

**4.** As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

**5.** There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1960, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1970 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1960, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

**6.—(1)** There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1960, showing the Acts contained in the Revised Statutes of Ontario, 1960 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1970 take effect and the extent of such repeal; and
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1960, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1970 and showing also the portions of the Revised Statutes of Ontario, 1960 and Acts passed thereafter that are not consolidated.

Effect of mention of an Act in schedules

(2) The mention of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1970.

Proclamation

**7.—(1)** After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the



day upon which the roll will come into force and have effect as law by the designation "Revised Statutes of Ontario, 1970".

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

8. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1970 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1970 having the same effect as such repealed and consolidated Act or enactment.

9. Copies of the Revised Statutes of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the Revised Statutes of Ontario, 1970 in all courts and places whatsoever.

10.—(1) The laws relating to the distribution of the printed copies of the sessional statutes do not apply to the Revised Statutes of Ontario, 1970, but the latter shall be distributed as the Lieutenant Governor in Council directs.

(2) The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Statutes of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

11. This Act shall be printed with the Revised Statutes of Ontario, 1970 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1970.

12. A chapter of the Revised Statutes of Ontario, 1970 may be cited and referred to in any Act, proceeding, instrument or document whatever either by its title as an Act or by using the expression "Revised Statutes of Ontario, 1970, chapter ", or the abbreviation "R.S.O. 1970, c. ", adding in each case the number of the particular chapter.

13. This Act may be cited as *The Statutes Revision Act*, 1968-69.





An Act to provide for the Consolidation  
and Revision of the Statutes

---

*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

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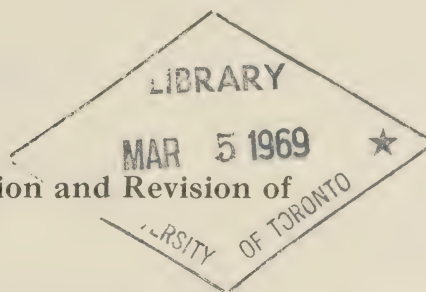
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**BILL 63**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to provide for the Consolidation and Revision of  
the Regulations**



MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

This Act will authorize the preparation and publication of the Revised Regulations of Ontario, 1970 which will contain all the living regulations in consolidated and revised form that have been filed under *The Regulations Act* up to the end of 1970.

BILL 63

1968-69

## An Act to provide for the Consolidation and Revision of the Regulations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Warner Cox Alcombrack, one of Her Majesty's <sup>Commissioners,</sup> Counsel, and William Russell Anderson, one of Her Majesty's <sup>appoint-</sup> Counsel, Legislative Counsel and Registrar of Regulations respectively, or such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Minister of Justice and Attorney General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. <sup>R.S.O. 1960,</sup> <sup>c. 349</sup>

(2) The commissioners and such persons as may assist <sup>Remunera-</sup> them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

**2.** The commissioners shall examine the Revised Regu- <sup>Duties</sup> lations of Ontario, 1960, and the regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970, and shall arrange, consolidate and revise such regulations in accordance with this Act.

**3.** In the performance of their duties under this Act, <sup>Powers</sup> the commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors.

Printed roll  
to be  
deposited  
with Clerk  
of Assembly

**4.** As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclama-  
tion

**5.—(1)** After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1970".

Idem

**(2)** On and after the day so proclaimed, all regulations and parts of regulations not contained in the roll are revoked.

Copies  
printed by  
Queen's  
Printer to  
be  
evidence

**6.** Copies of the Revised Regulations of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Distribution  
of copies

**7.—(1)** The Revised Regulations of Ontario, 1970 shall be distributed as the Lieutenant Governor in Council directs.

Idem

**(2)** The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Regulations of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

This Act  
to be  
printed with  
R.R.O. 1970

**8.** This Act shall be printed with the Revised Regulations of Ontario, 1970 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1970.

How regula-  
tions may  
be cited

**9.** Regulations in the Revised Regulations of Ontario, 1970 may be cited and referred to as "Revised Regulations of Ontario, 1970, Regulation     ", or the abbreviation "R.R.O. 1970, Reg.     ", adding in each case the number of the particular regulation.

Short title

**10.** This Act may be cited as *The Regulations Revision Act, 1968-69*.









An Act to provide for the Consolidation  
and Revision of the Regulations

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

MR. WISHART

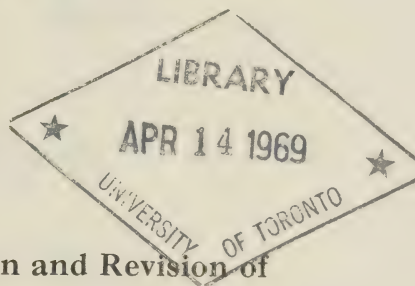
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**BILL 63**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to provide for the Consolidation and Revision of  
the Regulations**

Mr. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 63

1968-69

## An Act to provide for the Consolidation and Revision of the Regulations

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(2) The commissioners and such persons as may assist <sup>Remunera-</sup> them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

2. The commissioners shall examine the Revised Regu- <sup>Duties</sup> lations of Ontario, 1960, and the regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970, and shall arrange, consolidate and revise such regulations in accordance with this Act.

3. In the performance of their duties under this Act, the <sup>Powers</sup> commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors.

Printed roll  
to be  
deposited  
with Clerk  
of Assembly

**4.** As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclama-  
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**5.**—(1) After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1970".

Idem

(2) On and after the day so proclaimed, all regulations and parts of regulations not contained in the roll are revoked.

Copies  
printed by  
Queen's  
Printer to  
be  
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**6.** Copies of the Revised Regulations of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Distribution  
of copies

**7.**—(1) The Revised Regulations of Ontario, 1970 shall be distributed as the Lieutenant Governor in Council directs.

Idem

(2) The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Regulations of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

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How regula-  
tions may  
be cited

**9.** Regulations in the Revised Regulations of Ontario, 1970 may be cited and referred to as "Revised Regulations of Ontario, 1970, Regulation     ", or the abbreviation "R.R.O. 1970, Reg.     ", adding in each case the number of the particular regulation.

Short title

**10.** This Act may be cited as *The Regulations Revision Act, 1968-69*.









An Act to provide for the Consolidation  
and Revision of the Regulations

---

*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 25th, 1969

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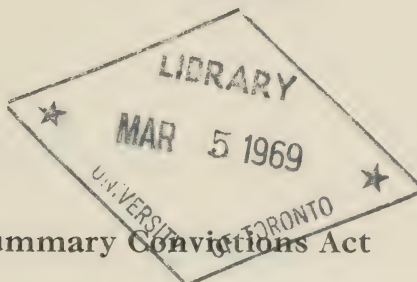
MR. WISHART

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**BILL 64**

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Summary Convictions Act**

MR. WISHART

#### EXPLANATORY NOTE

The amendment permits a warrant of committal for default in payment of a fine to be executed by peace officers anywhere in Ontario.

BILL 64

1968-69

## An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 387,  
amended

12a. A warrant for committal upon default in payment of a fine or of money ordered to be paid may be issued and executed according to its terms in the same manner as a warrant for the arrest of an accused under Part XIV of the *Criminal Code* (Canada). Committal  
for default  
in payment  
of fine  
1953-54,  
c. 51 (Can.)

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1968-69*. Short title

An Act to amend  
The Summary Convictions Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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## BILL 64

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

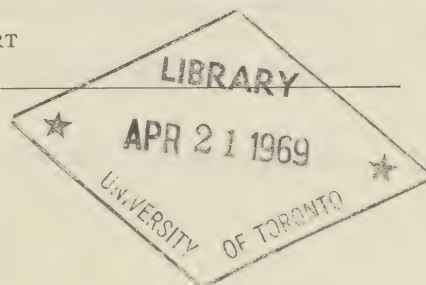
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An Act to amend The Summary Convictions Act

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MR. WISHART

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 64

1968-69

**An Act to amend  
The Summary Convictions Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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c. 51 (Can.)

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Summary Convictions Amendment Act, 1968-69*. Short title

An Act to amend  
The Summary Convictions Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 31st, 1969

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MR. WISHART

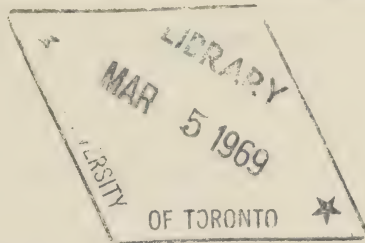
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Government  
Publications

# BILL 65

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



## An Act to amend The Change of Name Act

MR. WISHART

#### EXPLANATORY NOTE

The amendments ensure more reliable information necessary for amending vital statistics records in Ontario or other jurisdictions as a result of a change of name order.

BILL 65

1968-69

## An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Change of Name Act* <sup>R.S.O. 1960, c. 49, s. 12, subs. 3, amended</sup> is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) where practicable, a certificate of the registration of the birth of the applicant and of each other person whose name may be changed as a result of the application and a certificate of the registration of the marriage where the spouse is named in the application.

2.—(1) Section 17 of *The Change of Name Act* is amended <sup>R.S.O. 1960, c. 49, s. 17, amended</sup> by inserting after "affidavit" in the third line "and any certificate of registration of birth or marriage or the particulars contained therein", so that the section shall read as follows:

17. The clerk of the court shall enter the order and transmit a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit and any certificate of registration of birth or marriage or the particulars contained therein, to the Registrar General. <sup>Certified copy to Registrar General</sup>

(2) The said section 17 is further amended by adding <sup>R.S.O. 1960, c. 49, s. 17, amended</sup> thereto the following subsection:

- (2) Where the Registrar General receives a certificate <sup>Return of certificates</sup> of birth or marriage under subsection 1, the Registrar General shall,

R.S.O. 1960,  
c. 419

- (a) where the certificate was issued in respect of a birth or marriage that was registered in Ontario, re-issue the certificate in accordance with section 27 of *The Vital Statistics Act*, without payment of any fee therefor, and send the re-issued certificate to the applicant;
- (b) where the certificate was issued in respect of a birth or marriage that was registered outside Ontario, return the certificate to the applicant.

Application

**3.** This Act applies in respect of applications for change of name made after three months after this Act comes into force.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Change of Name Amendment Act, 1968-69*.









An Act to amend The Change of Name Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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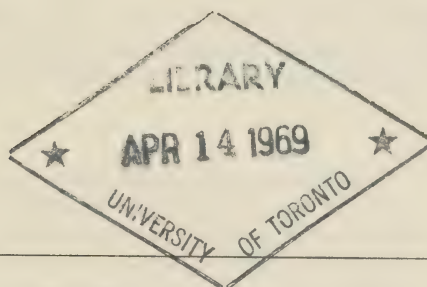
MR. WISHART

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**BILL 65**Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Change of Name Act**



MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



## BILL 65

1968-69

## An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Change of Name Act* R.S.O. 1960, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto <sup>c. 49, s. 12, subs. 3, amended</sup> the following clause:

- (c) where practicable, a certificate of the registration of the birth of the applicant and of each other person whose name may be changed as a result of the application and a certificate of the registration of the marriage where the spouse is named in the application.

2.—(1) Section 17 of *The Change of Name Act* is amended R.S.O. 1960, by inserting after "affidavit" in the third line "and any <sup>c. 49, s. 17, amended</sup> certificate of registration of birth or marriage or the particulars contained therein", so that the section shall read as follows:

17. The clerk of the court shall enter the order and transmit a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit and any certificate of registration of birth or marriage or the particulars contained therein, to the Registrar General. <sup>Certified copy to Registrar General</sup>

(2) The said section 17 is further amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 49, s. 17, amended</sup>

- (2) Where the Registrar General receives a certificate of birth or marriage under subsection 1, the Registrar General shall, <sup>Return of certificates</sup>

R.S.O. 1960,  
c. 419

(a) where the certificate was issued in respect of a birth or marriage that was registered in Ontario, re-issue the certificate in accordance with section 27 of *The Vital Statistics Act*, without payment of any fee therefor, and send the re-issued certificate to the applicant;

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**4.** This Act comes into force on the day it receives Royal Assent.

Short title

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An Act to amend The Change of Name Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

February 20th, 1969

*3rd Reading*

March 25th, 1969

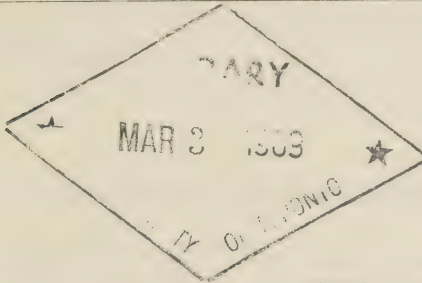
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MR. WISHART

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BILL 66

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Matrimonial Causes Act

MR. WISHART

#### EXPLANATORY NOTE

The amendment provides that the disbursements of the Official Guardian in investigating and reporting on matters affecting children when there is a divorce action will be paid by the parties and not by the Province.

BILL 66

1968-69

## An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 6 of *The Matrimonial Causes Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 232, s. 6,  
subs. 7,  
re-enacted

(7) The petitioner in an action for divorce shall pay the disbursements incurred by the Official Guardian in an investigation in respect of the action and the Official Guardian shall not file his report of the investigation with the court until such disbursements have been paid.

Disburse-  
ments of  
Official  
Guardian

(7a) The disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge.

Disburse-  
ments as  
costs in  
action

2. This Act applies to investigations in respect of actions for the dissolution of marriage commenced after this Act comes into force.

Application

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Matrimonial Causes Amendment Act, 1968-69*.

Short title

An Act to amend  
The Matrimonial Causes Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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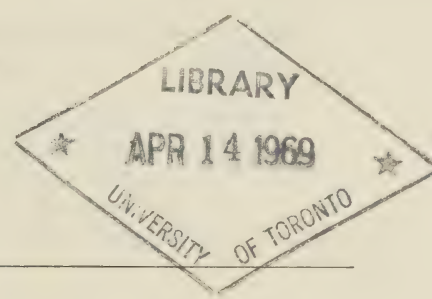
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Government  
Publications

**BILL 66**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Matrimonial Causes Act**



Mr. WISHART



BILL 66

1968-69

## An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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R.S.O. 1960,  
c. 232, s. 6,  
subs. 7,  
re-enacted

(7) The petitioner in an action for divorce shall pay the disbursements incurred by the Official Guardian in an investigation in respect of the action and the Official Guardian shall not file his report of the investigation with the court until such disbursements have been paid.

Disburse-  
ments of  
Official  
Guardian

(7a) The disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge.

Disburse-  
ments as  
costs in  
action

2. This Act applies to investigations in respect of actions for the dissolution of marriage commenced after this Act comes into force.

Application

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Matrimonial Causes Amendment Act, 1968-69*.

Short title

An Act to amend  
The Matrimonial Causes Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

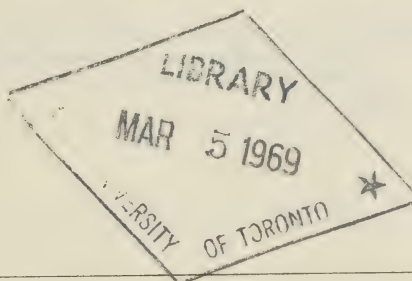
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BILL 67

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend  
The Deserted Wives' and Children's Maintenance Act



MR. WISHART

#### EXPLANATORY NOTE

The provision repealed provides that the amount a father may be ordered to pay for the maintenance of each deserted child shall not exceed \$20 a week.

BILL 67

1968-69

## An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed. R.S.O. 1960,  
c. 105, s. 2,  
subs. 2,  
repealed

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1968-69*. Short title

An Act to amend 'The Deserted Wives'  
and Children's Maintenance Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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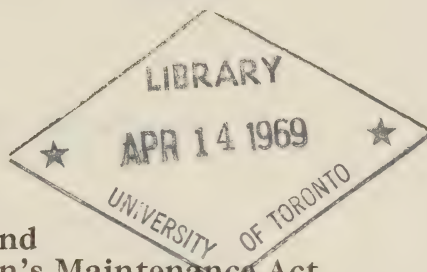
MR. WISHART

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**BILL 67**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Deserted Wives' and Children's Maintenance Act**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 67

1968-69

**An Act to amend The Deserted Wives' and  
Children's Maintenance Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed. R.S.O. 1960,  
c. 105, s. 2,  
subs. 2,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1968-69*. Short title

An Act to amend 'The Deserted Wives'  
and Children's Maintenance Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

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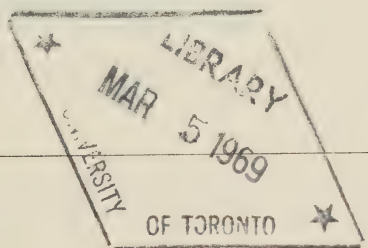
## BILL 68

Government  
Publication

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

## An Act to amend The Jurors Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendment increases the maximum number of petit jurors who may be summoned at a Supreme Court sittings in the Regional Municipality of Ottawa-Carleton from 225 to 350. This compares with 800 in York County, 350 in Wentworth County and 225 in other counties.

BILL 68

1968-69

## An Act to amend The Jurors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 52 of *The Jurors Act*, as amended R.S.O. 1960, c. 199, s. 52, subs. 1, amended by section 1 of *The Jurors Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause:

(d) in the Regional Municipality of Ottawa-Carleton,  
350,

. . . . .

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Jurors Amendment Act*, Short title  
1968-69.

An Act to amend The Jurois Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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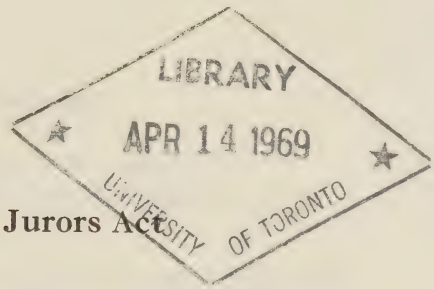


**BILL 68**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Jurors Act**

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MR. WISHART

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BILL 68

1968-69

### An Act to amend The Jurors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 52 of *The Jurors Act*, as amended <sup>R.S.O. 1960,</sup> by section 1 of *The Jurors Amendment Act, 1961-62*, is further <sup>c. 199, s. 52,</sup> amended by striking out "and" at the end of clause *b*, by <sup>subs. 1,</sup> adding "and" at the end of clause *c* and by adding thereto <sup>amended</sup> the following clause:

(d) in the Regional Municipality of Ottawa-Carleton,  
350,

. . . . .

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Jurors Amendment Act*, Short title *1968-69*.

An Act to amend The Jurors Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

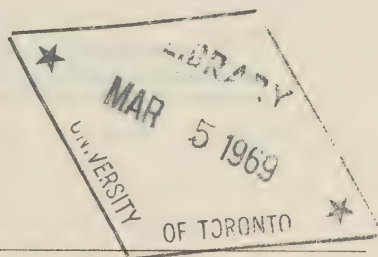
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MR. WISHART

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**BILL 69**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Judicature Act**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendment gives the Chief Justice of Ontario, instead of the Lieutenant Governor in Council, the duty of fixing the date for the annual meeting of the council of judges of the Supreme Court.

BILL 69

1968-69

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 112 of *The Judicature Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Chief Justice of Ontario", so that the subsection shall read as follows: R.S.O. 1960,  
c. 197, s. 112  
subs. 1,  
amended

- (1) A council of the judges of the Supreme Court, of which due notice shall be given to all of them, shall assemble at least once in every year on such day as is fixed by the Chief Justice of Ontario for the purpose of considering the operation of this Act and of the rules and the working of the offices and the arrangements relative to the duties of the officers of the court, and of enquiring and examining into any defects that appear to exist in the system of procedure or the administration of justice in the Supreme Court or in any other court or by any other authority. Council of  
judges

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Judicature Amendment Act*, Short title  
1968-69.

An Act to amend The Judicature Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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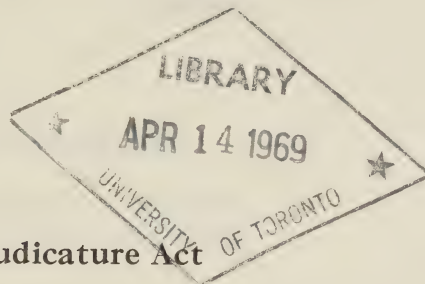
MR. WISHART

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## BILL 69

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Judicature Act

MR. WISHART



BILL 69

1968-69

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 112 of *The Judicature Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Chief Justice of Ontario", so that the subsection shall read as follows: R.S.O. 1960,  
c. 197, s. 112  
subs. 1,  
amended

- (1) A council of the judges of the Supreme Court, of which due notice shall be given to all of them, shall assemble at least once in every year on such day as is fixed by the Chief Justice of Ontario for the purpose of considering the operation of this Act and of the rules and the working of the offices and the arrangements relative to the duties of the officers of the court, and of enquiring and examining into any defects that appear to exist in the system of procedure or the administration of justice in the Supreme Court or in any other court or by any other authority. Council of  
judges

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Judicature Amendment Act*, 1968-69. Short title

An Act to amend The Judicature Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

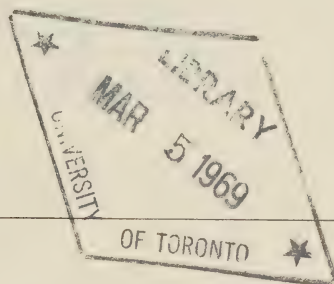
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BILL 70

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act respecting the Department of Justice



MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill continues the Department of the Attorney General as the Department of Justice and vests in the Minister of Justice and Attorney General the functions set out in section 6 of the Bill. The functions, heretofore unwritten, are made statutory as recommended by the Royal Commission on Civil Rights.

BILL 70

1968-69

## An Act respecting the Department of Justice

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Justice;
- (b) "Minister" means the Minister of Justice and Attorney General.

**2.**—(1) The department of the public service heretofore known as the Department of the Attorney General is continued under the name "Department of Justice".

Depart-  
ment  
continued

(2) The Minister shall preside over and have charge of the Department.

Minister  
to have  
charge

**3.**—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Justice and Deputy Attorney General who shall be the deputy head of the Department.

Deputy  
Minister

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff  
1961-62,  
c. 121

**4.** The moneys required for the purposes of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys  
required by  
Depart-  
ment

**5.** The Minister,

Functions

- (a) is the Law Officer of the Executive Council;
- (b) shall see that the administration of public affairs is in accordance with the law;

- (c) shall superintend all matters connected with the administration of justice in Ontario;
- (d) shall perform the duties and have the powers that belong to the Attorney General and Solicitor General of England by law or usage, so far as those duties and powers are applicable to Ontario, and also shall perform the duties and have the powers that, up to the time of the *British North America Act, 1867* came into effect, belonged to the offices of the Attorney General and Solicitor General in the provinces of Canada and Upper Canada and which, under the provisions of that Act, are within the scope of the powers of the Legislature;
- (e) shall advise the Government upon all matters of law connected with legislative enactments and upon all matters of law referred to him by the Government;
- (f) shall advise the Government upon all matters of a legislative nature and superintend all Government measures of a legislative nature;
- (g) shall advise the heads of the departments and agencies of Government upon all matters of law connected with such departments and agencies;
- (h) shall conduct and regulate all litigation for and against the Crown or any department or agency of Government in respect of any subject within the authority or jurisdiction of the Legislature;
- (i) shall superintend all matters connected with judicial, registry and land titles offices;
- (j) shall perform such other functions as are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Designation  
of depart-  
mental  
legal  
officers as  
employees of  
Department

**6.** The Lieutenant Governor in Council may designate any employee in any department or agency of Government who is a member of the bar of Ontario to be an employee of the Department and thereupon such employee becomes an employee of the Department.

Annual  
report

**7.** The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.



8. After this section comes into force, all annual reports required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 7 and need not be submitted in accordance with such other Act. <sup>Deemed to include other reports</sup>

9.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 8 comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Idem</sup>

10. This Act may be cited as *The Department of Justice Act, 1968-69*. <sup>Short title</sup>





An Act respecting  
the Department of Justice

---

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

---

MR. WISHART

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**BILL 70**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act respecting the Department of Justice**

MR. WISHART



BILL 70

1968-69

## An Act respecting the Department of Justice

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
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(a) "Department" means the Department of Justice;

(b) "Minister" means the Minister of Justice and Attorney General.

2.—(1) The department of the public service heretofore known as the Department of the Attorney General is continued under the name "Department of Justice".

Depart-  
ment continued

(2) The Minister shall preside over and have charge of the Department.

Minister  
to have  
charge

3.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Justice and Deputy Attorney General who shall be the deputy head of the Department.

Deputy  
Minister

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff  
1961-62,  
c. 121

4. The moneys required for the purposes of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys  
required by  
Depart-  
ment

5. The Minister,

Functions

(a) is the Law Officer of the Executive Council;

(b) shall see that the administration of public affairs is in accordance with the law;

- (c) shall superintend all matters connected with the administration of justice in Ontario;
- (d) shall perform the duties and have the powers that belong to the Attorney General and Solicitor General of England by law or usage, so far as those duties and powers are applicable to Ontario, and also shall perform the duties and have the powers that, up to the time of the *British North America Act, 1867* came into effect, belonged to the offices of the Attorney General and Solicitor General in the provinces of Canada and Upper Canada and which, under the provisions of that Act, are within the scope of the powers of the Legislature;
- (e) shall advise the Government upon all matters of law connected with legislative enactments and upon all matters of law referred to him by the Government;
- (f) shall advise the Government upon all matters of a legislative nature and superintend all Government measures of a legislative nature;
- (g) shall advise the heads of the departments and agencies of Government upon all matters of law connected with such departments and agencies;
- (h) shall conduct and regulate all litigation for and against the Crown or any department or agency of Government in respect of any subject within the authority or jurisdiction of the Legislature;
- (i) shall superintend all matters connected with judicial, registry and land titles offices;
- (j) shall perform such other functions as are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Designation  
of depart-  
mental  
legal  
officers as  
employees of  
Department

**6.** The Lieutenant Governor in Council may designate any employee in any department or agency of Government who is a member of the bar of Ontario to be an employee of the Department and thereupon such employee becomes an employee of the Department.

Annual  
report

**7.** The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.



**8.** After this section comes into force, all annual reports required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 7 and need not be submitted in accordance with such other Act. <sup>Deemed to include other reports</sup>

**9.**—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 8 comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Idem</sup>

**10.** This Act may be cited as *The Department of Justice Act, 1968-69*. <sup>Short title</sup>





An Act respecting  
the Department of Justice

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*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

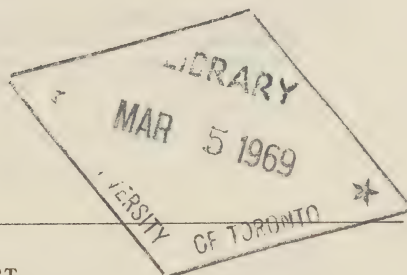
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## BILL 71

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Fines and Forfeitures Act**



MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendment is to implement a recommendation of the Royal Commission Inquiry into Civil Rights and prohibits the payment of any portion of a fine to persons acting as informers or prosecutors.

BILL 71

1968-69

## An Act to amend The Fines and Forfeitures Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Fines and Forfeitures Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 143, s. 2,  
re-enacted

2.—(1) Where a fine has been imposed for a contraven- Recovery of  
fines  
by action  
tion of an Act of the Legislature or a regulation made thereunder and no other provision is made for its recovery, it is recoverable with costs by a civil action at the suit of the Crown.

(2) Notwithstanding any general or special Act, no fine recovered for a contravention of an Act of the Legislature or a by-law or regulation made thereunder or any part of such fine shall be paid to a person acting as an informer or a prosecutor. No fines  
payable to  
informer  
or prosecutor

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Fines and Forfeitures Amendment Act, 1968-69*. Short title

An Act to amend  
The Fines and Forfeitures Act

---

*1st Reading*

February 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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Publication

**BILL 71**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Fines and Forfeitures Act**

Mr. WISHART





BILL 71

1968-69

## An Act to amend The Fines and Forfeitures Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Fines and Forfeitures Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 143, s. 2,  
re-enacted
  
- 2.—(1) Where a fine has been imposed for a contraven- Recovery of  
fines  
by action  
tion of an Act of the Legislature or a regulation made thereunder and no other provision is made for its recovery, it is recoverable with costs by a civil action at the suit of the Crown.
  
- (2) Notwithstanding any general or special Act, no fine No fines  
payable to  
informer  
or prosecutor  
recovered for a contravention of an Act of the Legislature or a by-law or regulation made thereunder or any part of such fine shall be paid to a person acting as an informer or a prosecutor.
  
2. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.
  
3. This Act may be cited as *The Fines and Forfeitures* Short title  
*Amendment Act, 1968-69.*

An Act to amend  
The Fines and Forfeitures Act

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*1st Reading*

February 13th, 1969

*2nd Reading*

March 10th, 1969

*3rd Reading*

March 25th, 1969

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MR. WISHART

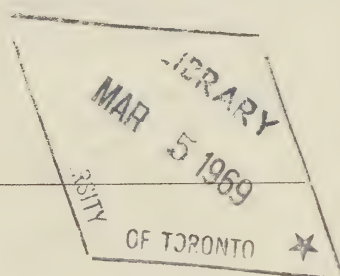
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## BILL 72

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Cemeteries Act

Mr. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

Self-explanatory.

BILL 72

1968-69

## An Act to amend The Cemeteries Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 78 of *The Cemeteries Act* is amended by inserting at the commencement thereof “Subject to subsection 3”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 47, s. 78,  
subs. 1,  
amended

- (1) Subject to subsection 3, no body shall be cremated unless a certificate in the prescribed form, signed by a coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination. Coroner's  
certificate

(2) The said section 78 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 78,  
amended

- (3) Where a coroner has investigated the circumstances of a death and has issued his warrant to bury the body, the certificate mentioned in subsection 1 need not be filed. Saving

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Cemeteries Amendment Act, 1968-69*. Short title

An Act to amend The Cemeteries Act

---

*1st Reading*

February 17th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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## BILL 73

Government  
Publications

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

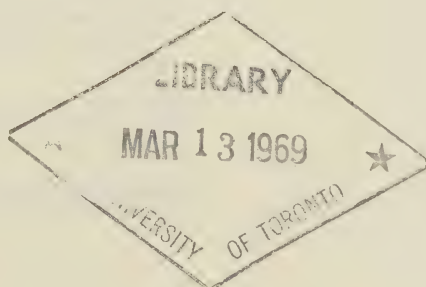
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An Act to regulate the Procurement and to provide for the  
Welfare of Animals used in Teaching and Research

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MR. STEWART

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#### EXPLANATORY NOTE

The purpose of the Bill is to regulate the procurement of animals used in teaching and research and to provide for their welfare.

The principal provisions of the Bill include the following:

1. Dealers who supply animals to research facilities are required to be licensed, and research facilities are required to be registered.
2. The qualifications to be met by an applicant for a licence as a dealer are specified, and grounds for suspending or revoking licences are set out.
3. The Research Animal Dealer Licence Review Board is established and is empowered to direct the granting, refusal, revocation or suspension of a licence as a dealer. An appeal is provided to a justice of the Court of Appeal from an order of the Review Board refusing to grant or suspending or revoking a licence.
4. The operator of a pound is required, except in certain specified circumstances, to sell any unclaimed dog or cat that is in the pound to a dealer or operator of a research facility within specified time limits.
5. The purchase of animals for use in a research facility other than from a licensed dealer or from the operator of a pound is prohibited except in specified circumstances.
6. Inspection of dealers' premises and research facilities is provided for along with other ancillary matters.

BILL 73

1968-69

**An Act to regulate the Procurement and  
to provide for the Welfare of Animals used  
in Teaching and Research**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "animal" means a live, non-human vertebrate;
- (b) "dealer" means a person who, for consideration, supplies animals to a research facility or to another such person;
- (c) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (d) "foal" means a young horse;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "pound" includes premises that are used for the detention, maintenance or disposal of dogs or cats that,
  - (i) have been abandoned,
  - (ii) have strayed,
  - (iii) have been impounded pursuant to a by-law of a municipality, or
  - (iv) have been left by the owner at the premises to be disposed of by the operator thereof;

- (h) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;
- (i) "regulations" means the regulations made under this Act;
- (j) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, the diagnosis of disease and the production and testing of preparations intended for use in the diagnosis, prevention and treatment of any disease or condition;
- (k) "research facility" means premises on which animals are used in research and includes premises used in connection therewith for the collecting, assembling, breeding or maintaining of animals and includes farms on which pregnant mares are kept for the production of urine;
- (l) "Review Board" means the Research Animal Dealer Licence Review Board;
- (m) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1960,  
c. 416

#### LICENCES

Dealer  
required  
to be  
licensed

**2.—(1)** No person shall commence or continue to be a dealer without a licence as a dealer from the Director unless he is exempt under this Act or the regulations.

Saving as to  
certain  
sales

(2) A dealer is exempt from subsection 1 respecting the sale of cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act, 1961-62*, but in all other respects he is subject to the provisions of this Act and the regulations.

1961-62,  
c. 48

Require-  
ments for  
licensing

(3) No person shall be granted a licence as a dealer unless he,

(a) is experienced in the proper care and handling of animals;

(b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises;

(c) has not been convicted of an offence relating to cruelty, maltreatment or neglect of animals under any Act; and

(d) does not employ or have associated with him in connection with his operations as a dealer any person who has been convicted of an offence relating to cruelty, maltreatment or neglect of animals under any Act.

(4) A licence as a dealer may be suspended or revoked where, Suspension or revocation of licence

(a) the dealer has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or

(b) the dealer or any person employed by him or associated with him in connection with his operations as a dealer has been convicted of an offence,

(i) under this Act or the regulations, or

(ii) relating to cruelty, maltreatment or neglect of animals under any other Act.

**3.**—(1) A board to be known as the “Research Animal Dealer Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall hold office during pleasure. Research Animal Dealer Licence Review Board established

(2) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(3) A majority of the members of the Review Board constitutes a quorum. Quorum

(4) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration



Issue of  
licence

4.—(1) Subject to subsection 10, the Director shall issue a licence as a dealer to an applicant therefor unless, in his opinion, the applicant does not comply with subsection 3 of section 2.

Reference  
to Review  
Board

(2) The Director shall direct a reference to the Review Board where,

(a) he is of the opinion that an applicant for a licence as a dealer does not comply with subsection 3 of section 2; or

(b) in the case of a licensee, he is of the opinion that clause *a* or clause *b* of subsection 4 of section 2 applies.

Notice of  
reference

(3) The Director shall direct a reference to the Review Board by giving the chairman of the Review Board and the applicant or licensee, as the case may be, notice in writing thereof and the notice shall be served upon the applicant or licensee either personally or by registered mail addressed to the applicant or licensee at his last known address.

Contents of  
notice

(4) A notice under subsection 3 shall specify the grounds on which the reference has been directed.

Withdrawal  
of reference

(5) Where an applicant or licensee who has received a notice under subsection 3 adduces proof, within ten days of service of the notice, to the satisfaction of the Director that he complies with subsection 3 of section 2 or is not a licensee to whom clause *a* or clause *b* of subsection 4 of section 2 applies, the Director shall withdraw the reference and shall thereupon notify the applicant or licensee, as the case may be, and the chairman of the Review Board accordingly.

Notification  
of hearing

(6) Upon receipt of a notice under subsection 3, the chairman of the Review Board shall fix a time, date and place at which the Review Board will hear the matter and shall thereupon notify the applicant or licensee thereof either personally or by registered mail addressed to the applicant or licensee at his last known address.

Time of  
hearing

(7) Unless withdrawn pursuant to subsection 5, the Review Board shall hold a hearing on a reference directed to it under subsection 2 not less than fifteen days and not more than thirty days after service of the notice referred to in subsection 3.

Rights of  
person  
affected

(8) Every person whose licence or right to be licensed may be affected by a hearing under this Act is entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent at the hearing.

(9) The Review Board may, after the hearing referred to in subsection 7, order the Director not to issue a licence or may order the Director to suspend or revoke a licence where, in the opinion of the Review Board, the applicant does not comply with subsection 3 of section 2 or is a licensee to whom clause *a* or *b* of subsection 4 of section 2 applies and shall otherwise order that the licence be issued or that the licence remain in full force and effect and the Director shall comply with an order of the Review Board. <sup>Powers of Review Board</sup>

(10) The Director shall not issue a licence to any person who formerly held a licence as a dealer and whose licence was revoked less than one year before the date of the application. <sup>When licence not to issue</sup>

(11) Notice of the order of the Review Board made under subsection 9, together with reasons in writing for its decision shall be served forthwith upon the person whose licence or right to be licensed is affected thereby in the manner prescribed for service of a notice in subsection 3. <sup>Notice of decision of Review Board</sup>

**5.—**(1) A person who has been refused a licence or whose licence has been suspended or revoked may appeal the order of the Review Board to a justice of appeal of the Court of Appeal. <sup>Appeal</sup>

(2) Every appeal under subsection 1 shall be by notice of motion served upon the Director and the chairman of the Review Board within thirty days of the service of the notice referred to in subsection 11 of section 4, and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action. <sup>Form of appeal</sup>

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court, <sup>Material on appeal</sup>

(a) the notices referred to in subsections 3, 6 and 11 of section 4;

(b) the order of the Review Board together with written reasons for its decision; and

(c) all written submissions to the Review Board and other material including documentary evidence received by it in connection with the hearing.

(4) Where an appeal is taken under this section, the judge may substitute his opinion for that of the Review Board and may by his order confirm, revoke or modify the order of the <sup>Power of judge on appeal</sup>

Review Board and may direct the Director to take such action as the Director may be authorized or required to take under this Act and as the judge deems proper, and thereupon the Director shall act accordingly.

Order of  
judge  
final

(5) The order of the judge is final.

#### RESEARCH FACILITIES

Research  
facility  
required  
to be  
registered

**6.** No person shall operate a research facility unless the research facility is registered in accordance with the regulations.

Purchase  
of animal

**7.** Subject to section 10, no person shall purchase an animal for use in a research facility from any person other than from a dealer who is,

(a) the holder of a licence as a dealer; or

(b) exempt under this Act or the regulations from the provisions of subsection 1 of section 2 respecting the animal.

#### INSPECTORS

Appoint-  
ment of  
chief  
inspector  
and  
inspectors

**8.—(1)** The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate  
of appoint-  
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of  
inspectors

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(b) enter any pound and inspect the pound, any facilities or equipment therein and any animal therein; and



(c) demand the production or furnishing by the owner or custodian of any books, records, documents or extracts therefrom relating to animals that,

(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless, Entry of dwellings R.S.O. 1960, c. 387

(a) the occupant is a licensed dealer; and

(b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset unless authorized by a justice by warrant under section 14 of *The Summary Convictions Act* to execute the warrant at night. When powers to be exercised

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them. Production and photocopying of records, etc.

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. Certification of photocopy

(8) Where an inspector makes a demand under clause c of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required. Demand to be in writing

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of a licensed dealer or the operator of a registered research facility. 1955, c. 58, not to apply

Obstruction  
of  
inspector

9. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

#### POUNDS

Redemption  
period

10.—(1) Subject to subsection 2, the redemption period shall be forty-eight hours, or such longer period as the regulations prescribe.

Idem

(2) The operator of a pound may fix a redemption period that is longer than the redemption period prescribed by or under this Act upon filing notice in writing thereof with the Director, and no such redemption period shall be changed except with the approval in writing of the Director.

Sale of dog  
or cat in a  
pound  
required

(3) Except where,

- (a) the dog or cat has been redeemed by the person who was the owner of the dog or cat before it came into possession of the operator of the pound;
- (b) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;
- (c) the dog or cat has been sold or disposed of by gift to a *bona fide* purchaser or donee,
  - (i) as a pet,
  - (ii) for use in hunting, or
  - (iii) for working purposes;
- (d) the operator of the pound has satisfied all requests from operators of research facilities or from dealers for a dog or cat, as the case may be; or
- (e) an inspector has ordered that the dog or cat be destroyed pursuant to subsection 7,

the operator of a pound shall sell to the operator of a research facility or to a dealer who has so requested, any dog or cat that is in the pound, and the operator of the pound is not required to be licensed as a dealer in respect of such sale.

Time  
within  
which sale  
to be made

(4) The sale of a dog or cat to the operator of a research facility or to a dealer shall be made,

- (a) where the dog or cat has been impounded, within five days after the redemption period has expired; or

- (b) where the dog or cat has not been impounded, within five days after the dog or cat came into possession of the operator of the pound.

(5) The price at which the operator of a pound shall sell a dog or cat to the operator of a research facility or to a dealer under subsection 3 shall not, Maximum price at which dog or cat shall be sold

- (a) where no maximum price has been prescribed in the regulations respecting the dog or cat, exceed a price that is reasonable having regard to all the circumstances; or

- (b) exceed the maximum price prescribed in the regulations respecting the dog or cat.

(6) The operator of a pound shall satisfy a request from the operator of a research facility for a dog or cat in priority to a similar request from a dealer. Priority of sale requests

(7) An inspector or veterinarian may order a dog or cat to be destroyed where the dog or cat, Order for destruction of dog or cat

- (a) is in a pound, on a dealer's premises or in a research facility;

- (b) has not, where it is in a pound, been redeemed by its owner within the redemption period; and

- (c) may not be suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(8) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). Saving as to certain animals R.S.O. 1960, c. 321 R.S.C. 1952, c. 9

#### FOALS

**11.**—(1) The operator of a research facility who keeps pregnant mares for the production of urine shall not sell or dispose of by gift or otherwise a foal that is less than ninety days old unless, Sale or disposition of foals

- (a) the dam thereof has died; or

- (b) the dam thereof is sold or otherwise disposed of with the foal to the same person.

(2) The owner of a foal referred to in subsection 1 may destroy the foal. Destruction of foal

## OFFENCES

Offence

**12.**—(1) Every person who contravenes any of the provisions of this Act, other than subsection 6 of section 10, or the regulations, other than a regulation made under clause *i*, *j*, *k* or *l* of section 13, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes the provisions of subsection 6 of section 10 or of a regulation made under clause *i*, *j*, *k* or *l* of section 13, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not less than \$25 and not more than \$100.

## REGULATIONS

Regulations

**13.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing procedures for hearings under section 4;
- (c) prescribing the facilities and equipment to be provided by a dealer, the operator of a research facility, or a pound or any class thereof;
- (d) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, on a dealer's premises or in a pound;
- (e) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;
- (f) providing for the registration of research facilities, prescribing the fees payable therefor and prescribing terms and conditions for such registration that are related to the care of animals;
- (g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;



(h) requiring the establishment of animal care committees in connection with research facilities, providing for their composition and requiring any such committee to be responsible for co-ordinating and reviewing,

(i) the activities and procedures,

(ii) the standards of care and facilities, and

(iii) the training and qualifications of personnel that are engaged in the care of animals,

in the research facility in connection with which it is established;

(i) prescribing the records to be made and kept by the operator of a research facility, a dealer or the operator of a pound, or any class thereof, and prescribing the places at which such records shall be kept;

(j) prescribing methods for the identification of animals;

(k) subject to subsection 1 of section 10, prescribing the redemption period in respect of dogs or cats or any class thereof;

(l) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities or by dealers to the operators of pounds and determining different prices for different parts of Ontario;

(m) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;

(n) prescribing forms and providing for their use;

(o) respecting any matter necessary or advisable to carry out effectively the purpose of this Act.

**14.** The moneys required for the purposes of administering <sup>Moneys</sup> this Act shall, until the 31st day of March, 1969, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

**15.** This Act comes into force on a day to be named by <sup>Commence-</sup> the Lieutenant Governor by his proclamation.

**16.** This Act may be cited as *The Research Animals Act*, <sup>Short title</sup> 1968-69.





An Act to regulate the Procurement and  
to provide for the Welfare of Animals  
used in Teaching and Research

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*1st Reading*

February 19th, 1969

*2nd Reading*

*3rd Reading*

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MR. STEWART

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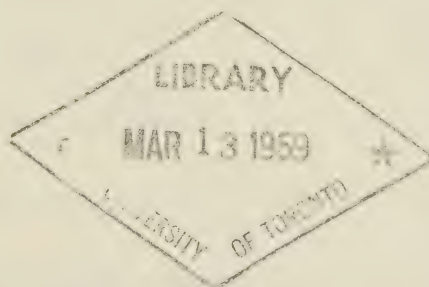
## BILL 74

Revised  
Publication

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955

Mr. WISHART



## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Repeals sections 12, 13 and 14 of the Act and enacts in lieu thereof sections 12, 13, 14, 14*a*, 14*b*, 14*c* and 14*d* that provide as follows:

Section 12 provides for entry into a building or place under the authority of a warrant issued by a justice of the peace authorizing the inspection of such building or place and all animals found therein for the purpose of ascertaining whether any animal therein is in distress.

Under the Act as now constituted, entry may be effected without a warrant.

BILL 74

1968-69

## An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is repealed and the following<sup>1955, c. 58, s. 1, re-enacted</sup> substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "animal" includes a domestic fowl or a bird that is kept as a pet;
- (b) "Board" means the Animal Care Review Board;
- (c) "distress" means the state of being in need of proper care, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;
- (d) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1960,  
c. 416

2. Sections 12, 13 and 14 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* are repealed and the following<sup>1955, c. 58, ss. 12-14, re-enacted</sup> substituted therefor:

- 12.—(1) Where a justice of the peace is satisfied by in-<sup>Search warrant,</sup> formation on oath in Form 1 that there are reasonable grounds for believing that there is in any building or place, other than a public place, an animal that is in distress, he may at any time issue a warrant in Form 2 under his hand authorizing an inspector or an agent of the Society named therein to enter therein either by himself or accompanied

by a veterinarian and inspect the building or place and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Authority of  
veterinarian  
to inspect  
animals

- (2) A veterinarian who has entered a building or place with an inspector or an agent of the Society pursuant to a warrant issued under subsection 1 may examine any animal in the building or place for the purpose of ascertaining whether the animal is in distress.

When  
warrant  
to be  
executed

- (3) Every warrant issued under subsection 1 shall be executed between sunrise and sunset unless the justice by the warrant authorizes the inspector or an agent of the Society to execute it at night.

Authority  
to supply  
necessaries  
to animals

- (4) Where an inspector or an agent of the Society has entered any building or place pursuant to this Act and finds therein an animal in distress he may, in addition to any other action he is authorized to take under this Act, supply the animal with food, care or treatment.

Order to  
owner of  
animals,  
etc.

- 13.—(1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

- (a) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or
- (b) have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Order to  
be in  
writing

- (2) Every order under subsection 1 shall be in writing and shall have printed or written thereon the provisions of subsections 1 and 2 of section 14*c*.

Service  
of order

- (3) Every order under subsection 1 shall be served upon the owner or custodian personally or by registered mail addressed to the owner or custodian at his last known place of address.

Time for  
compliance  
with order

- (4) Where an inspector or an agent of the Society makes an order under subsection 1 he shall specify in the order the time within which any action required by the order shall be performed.

Section 13 provides for the making of orders to the owners or custodians of animals that are in distress and for reinspection of such animals to ensure compliance with orders made in respect thereof.

Section 14 provides for,

- (a) the removal of an animal under the conditions set forth therein from the building or place where it is; and
- (b) the destruction of an animal under the conditions set forth therein.

- (5) Every person who is served with an order under sub-<sup>Idem</sup> section 3 shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed.
- (6) Where an order made under subsection 1 remains<sup>Authority to enter building or place, etc.</sup> in force,
- (a) respecting an animal that was in a public place at the time the order was made; or
  - (b) respecting an animal that was inspected pursuant to a warrant issued under section 12,

an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building or place where the animal is kept and, if, in his opinion, the order has been complied with, he shall revoke the order by notice in writing served forthwith upon the owner or custodian in the manner prescribed for service of an order in subsection 3.

- 14.—(1) An inspector or an agent of the Society may re-<sup>Taking possession of animal</sup>move an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where,
- (a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;
  - (b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
  - (c) an order respecting the animal has been made under section 13 and the order has not been complied with.
- (2) An inspector or an agent of the Society may destroy<sup>Destruction of animal</sup> an animal,

- (a) with the consent of the owner; or



- (b) where a veterinarian has examined the animal and has advised the inspector or agent in writing that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering.

**Notice**

- (3) Where an inspector or an agent of the Society has removed or destroyed an animal under subsection 1 he shall forthwith notify the owner or custodian of the animal, if known, of his action by notice in writing served upon the owner or custodian in the manner prescribed for service of an order in subsection 3 of section 13.

**Liability  
of owner for  
expenses**

- 14a.—(1) Where an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve upon the owner or custodian of the animal a statement of account respecting the food, care or treatment by mailing the same by registered mail to the owner or custodian at his last known place of address and the owner or custodian is, subject to subsection 6 of section 14c, thereupon liable for the amount specified in the statement of account.

**Power  
to sell**

- (2) Where the owner or custodian refuses to pay an account for which he is liable under subsection 1 within five days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

**Board  
established**

- 14b.—(1) A board to be known as the Animal Care Review Board is hereby established and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

**Chairman,  
vice-  
chairman**

- (2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

**Quorum**

- (3) A majority of the members of the Board constitutes a quorum.

**Remunera-  
tion of  
members**

- (4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.



Section 14a provides for the collection by the Society of the expenses incurred by it in providing an animal in distress with food, care or treatment.

Section 14b provides for the establishment of the Animal Care Review Board.

Section 14c provides for a review by the Board of orders made under the Act and the removal of animals.

- 14c.—(1) Where the owner or custodian of any animal <sup>Appeal to Board</sup> deems himself aggrieved by an order made under subsection 1 of section 13 or by the removal of an animal under subsection 1 of section 14, he may, within five days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chairman of the Board.
- (2) Where, in the opinion of the owner or custodian of <sup>Application for revocation of order</sup> an animal in respect of which an order has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chairman of the Board.
- (3) Within five days of the receipt of a notice under sub- <sup>Notice of hearing</sup> section 1 or 2, the chairman of the Board shall,
- (a) fix a time, date and place at which the Board will hear the matter; and
  - (b) notify the Society and the person who issued the notice of the time, date and place fixed under clause *a* either personally or by registered mail addressed to the Society at its head office and to the person who issued the notice at his last known place of address.
- (4) The date fixed for a hearing shall be not more than <sup>Date of hearing</sup> ten days after the receipt of a notice under subsection 1 or 2.
- (5) At a hearing, the Society and the owner or custodian <sup>Procedure at hearing</sup> are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent.
- (6) After a hearing or, with the consent of the Society <sup>Powers of Board</sup> and the person who issued the notice under subsection 1 or 2, without a hearing, the Board may,
- (a) respecting an order made under subsection 1 of section 13, confirm, revoke or modify the order appealed against;
  - (b) respecting the removal of an animal under subsection 1 of section 14, order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 1 of section 13; or

(c) order that the whole or any part of the cost of complying with an order or providing food, care or treatment to an animal be paid by the Society.

Notice of  
decision

(7) Notice of the decision of the Board made under subsection 6, together with reasons in writing for its decision, shall be served forthwith upon the Society and the owner or custodian in the manner prescribed for service of a notice in subsection 3.

Inspector,  
etc., not  
personally  
liable

14d. No inspector or agent of the Society and no veterinarian or member of the Board is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act.

1955, c. 58,  
amended

3. *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto the following forms:

# FORM 1

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955*

(Section 12 (1) )

## INFORMATION TO OBTAIN A WARRANT

Province of Ontario  
County of

The information of....., of.....  
in the County (or District, etc.) of.....taken the  
.....day of.....in the year.....,  
before me, ..... a Justice of the Peace for  
the County (or District, etc.) of.....who  
says that he has reasonable grounds for believing that there is an  
animal in distress on the premises of.....  
of.....in the County (or District, etc.) of.....  
.....  
(here add the grounds for belief, whatever they may be).

Wherefore (he) prays that a warrant may be granted to him  
(and to.....a veterinarian of the.....  
of.....in the County (or District, etc.) of.....)  
to inspect the premises of the said.....  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Sworn, etc.

J.P. for (Name of County or District)

Section 14*d* is self-explanatory.

SECTION 3. Complementary to section 12 of the Act, as re-enacted by section 2 of the Bill.



## FORM 2

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955*

(Section 12 (1) )

## WARRANT

Province of Ontario  
County of

To....., an inspector or  
an agent of The Ontario Society for the Prevention of Cruelty to  
Animals (*and to* .....  
*a veterinarian of the* ..... *of* .....  
*in the County (or District, etc.) of* .....)

Whereas it appears on the oath of.....  
of the.....of.....in the County  
(*or District, etc.*) of.....that there are  
reasonable grounds for believing that there is an animal in distress  
on the premises of.....of the.....  
in the County (*or District, etc.*) of..... This  
is therefore to authorize you to enter between the hours of (*as the  
Justice directs*) into the said premises and to inspect the premises  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Dated at....., in the said County (*or District,*  
*etc.*) of.....this.....day of.....,  
in the year.....

.....  
J. P. for (*Name of County or District*)

4. This Act comes into force on the day it receives Royal Commence-  
Assent. ment

5. This Act may be cited as *The Ontario Society for the* Short title  
*Prevention of Cruelty to Animals Amendment Act, 1968-69.*

An Act to amend  
The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955

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*1st Reading*

February 19th, 1969

*2nd Reading*

*3rd Reading*

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MR. WISHART

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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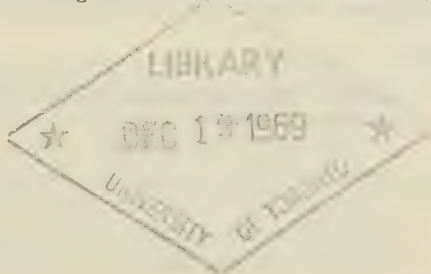
**An Act to amend The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955**

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MR. WISHART

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*(Reprinted as amended by the Agriculture and Food Committee)*



#### EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Repeals sections 12, 13 and 14 of the Act and enacts in lieu thereof sections 12, 13, 14, 14*a*, 14*b*, 14*c* and 14*d* that provide as follows:

Section 12 provides for entry into a building or place for the inspection of animals in distress.

## BILL 74

1968-69

## An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is repealed and the following<sup>1955, c. 58, s. 1, re-enacted</sup> substituted therefor:

1. In this Act,

Interpre-  
tation

(a) "animal" includes a domestic fowl or a bird that is kept as a pet;

(b) "Board" means the Animal Care Review Board;

(c) "distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;

(d) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1960,  
c. 416

2. Sections 12, 13 and 14 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* are repealed and the following<sup>1955, c. 58, ss. 12-14, re-enacted</sup> substituted therefor:

12.—(1) Where a justice of the peace is satisfied by in-<sup>Search warrant</sup>formation on oath in Form 1 that there are reasonable grounds for believing that there is in any building or place, other than a public place, an animal that is in distress, he may at any time issue a warrant in Form 2 under his hand authorizing an inspector or an agent of the Society named therein to enter therein either by himself or accompanied

by a veterinarian and inspect the building or place and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Entry  
without  
warrant

- (2) Where an inspector or agent of the Society observes an animal in immediate distress, he may enter, without warrant, any premises, building or place other than a dwelling place either by himself or accompanied by a veterinarian for the purposes of subsections 3 and 5 and sections 13 and 14.

Authority of  
veterinarian  
to inspect  
animals

- (3) A veterinarian who has entered a building or place with an inspector or an agent of the Society may examine any animal in the building or place for the purpose of ascertaining whether the animal is in distress.

When  
warrant  
to be  
executed

- (4) Every warrant issued under subsection 1 shall be executed between sunrise and sunset unless the justice by the warrant authorizes the inspector or an agent of the Society to execute it at night.

Authority  
to supply  
necessaries  
to animals

- (5) Where an inspector or an agent of the Society has entered any building or place pursuant to this Act and finds therein an animal in distress he may, in addition to any other action he is authorized to take under this Act, supply the animal with food, care or treatment.

Order to  
owner of  
animals,  
etc.

- 13.—(1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

- (a) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or
- (b) have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Order to  
be in  
writing

- (2) Every order under subsection 1 shall be in writing and shall have printed or written thereon the provisions of subsections 1 and 2 of section 14c.

Service  
of order

- (3) Every order under subsection 1 shall be served upon the owner or custodian personally or by registered mail addressed to the owner or custodian at his last known place of address.

Section 13 provides for the making of orders to the owners or custodians of animals that are in distress and for re-inspection of such animals to ensure compliance with orders made in respect thereof.

Section 14 provides for,

- (a) the removal of an animal under the conditions set forth therein from the building or place where it is; and
- (b) the destruction of an animal under the conditions set forth therein.



- (4) Where an inspector or an agent of the Society makes an order under subsection 1 he shall specify in the order the time within which any action required by the order shall be performed. <sup>Time for compliance with order</sup>
- (5) Every person who is served with an order under subsection 3 shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed. <sup>Idem</sup>
- (6) Where an order made under subsection 1 remains in force, an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building or place where the animal is kept and, if, in his opinion, the order has been complied with, he shall revoke the order by notice in writing served forthwith upon the owner or custodian in the manner prescribed for service of an order in subsection 3. <sup>Authority to enter building or place, etc.</sup>
- 14.—(1) An inspector or an agent of the Society may remove an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where, <sup>Taking possession of animal</sup>
- (a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;
  - (b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
  - (c) an order respecting the animal has been made under section 13 and the order has not been complied with.
- (2) An inspector or an agent of the Society may destroy an animal, <sup>Destruction of animal</sup>
- (a) with the consent of the owner; or

(b) where a veterinarian has examined the animal and has advised the inspector or agent in writing that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering.

Notice

(3) Where an inspector or an agent of the Society has removed or destroyed an animal under subsection 1 he shall forthwith notify the owner or custodian of the animal, if known, of his action by notice in writing served upon the owner or custodian in the manner prescribed for service of an order in subsection 3 of section 13.

Liability  
of owner for  
expenses

14a.—(1) Where an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve upon the owner or custodian of the animal a statement of account respecting the food, care or treatment by mailing the same by registered mail to the owner or custodian at his last known place of address and the owner or custodian is, subject to subsection 6 of section 14c, thereupon liable for the amount specified in the statement of account.

Power  
to sell

(2) Where the owner or custodian refuses to pay an account for which he is liable under subsection 1 within five days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

Board  
established

14b.—(1) A board to be known as the Animal Care Review Board is hereby established and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

Chairman,  
vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remunera-  
tion of  
members

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.



Section 14a provides for the collection by the Society of the expenses incurred by it in providing an animal in distress with food, care or treatment.

Section 14b provides for the establishment of the Animal Care Review Board.

Section 14c provides for a review by the Board of orders made under the Act and the removal of animals.

- 14c.—(1) Where the owner or custodian of any animal <sup>Appeal to Board</sup> deems himself aggrieved by an order made under subsection 1 of section 13 or by the removal of an animal under subsection 1 of section 14, he may, within five days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chairman of the Board.
- (2) Where, in the opinion of the owner or custodian of <sup>Application for revocation of order</sup> an animal in respect of which an order has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chairman of the Board.
- (3) Within five days of the receipt of a notice under sub- <sup>Notice of hearing</sup> section 1 or 2, the chairman of the Board shall,
- (a) fix a time, date and place at which the Board will hear the matter; and
  - (b) notify the Society and the person who issued the notice of the time, date and place fixed under clause *a* either personally or by registered mail addressed to the Society at its head office and to the person who issued the notice at his last known place of address.
- (4) The date fixed for a hearing shall be not more than <sup>Date of hearing</sup> ten days after the receipt of a notice under subsection 1 or 2.
- (5) At a hearing, the Society and the owner or custodian <sup>Procedure at hearing</sup> are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent.
- (6) After a hearing or, with the consent of the Society <sup>Powers of Board</sup> and the person who issued the notice under subsection 1 or 2, without a hearing, the Board may,
- (a) respecting an order made under subsection 1 of section 13, confirm, revoke or modify the order appealed against;
  - (b) respecting the removal of an animal under subsection 1 of section 14, order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 1 of section 13; or

- (c) order that the whole or any part of the cost of complying with an order or providing food, care or treatment to an animal be paid by the Society.

Notice of  
decision

- (7) Notice of the decision of the Board made under subsection 6, together with reasons in writing for its decision, shall be served forthwith upon the Society and the owner or custodian in the manner prescribed for service of a notice in subsection 3.

Appeal



- 14d—(1) The Society or the owner or custodian may appeal the decision of the Board to a judge of the county or district court of the county or district in which the animal was at the time the order or seizure was made.

Notice of  
appeal

- (2) The appeal shall be made by filing a notice of appeal with the clerk of the court and serving a copy thereof on the other parties before the Board within fifteen days after the notice of the Board's decision is served on the appellant under subsection 7 of section 14c.

Date of  
hearing

- (3) The appellant or any person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (4) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision of the Board and make such order as to costs as he considers appropriate, and the decision of the judge is final.

Inspector,  
etc., not  
personally  
liable

- 14e. No inspector or agent of the Society and no veterinarian or member of the Board is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act.

1955, c. 58,  
amended

**3.** *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto the following forms:

Section 14*d* provides for an appeal from the Animal Care Review Board.

Section 14*e* is self-explanatory.

SECTION 3. Complementary to section 12 of the Act, as re-enacted by section 2 of the Bill.



## FORM 1

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955**(Section 12 (1) )*

## INFORMATION TO OBTAIN A WARRANT

Province of Ontario  
County of

The information of....., of.....  
in the County (or District, etc.) of.....taken the  
.....day of.....in the year.....,  
before me, ..... a Justice of the Peace for  
the County (or District, etc.) of.....who  
says that he has reasonable grounds for believing that there is an  
animal in distress on the premises of.....  
of.....in the County (or District, etc.) of.....  
.....  
(here add the grounds for belief, whatever they may be).

Wherefore (he) prays that a warrant may be granted to him  
(and to.....a veterinarian of the.....  
of.....in the County (or District, etc.) of.....)  
to inspect the premises of the said.....  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Sworn, etc.

.....  
J.P. for (Name of County or District)

FORM 2

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955*

(Section 12 (1) )

WARRANT

Province of Ontario  
County of

To....., an inspector or  
an agent of The Ontario Society for the Prevention of Cruelty to  
Animals (*and to* .....  
*a veterinarian of the* .....*of* .....  
*in the County (or District, etc.) of*.....)

Whereas it appears on the oath of.....  
of the.....of.....in the County  
(*or District, etc.*) of.....that there are  
reasonable grounds for believing that there is an animal in distress  
on the premises of.....of the.....  
in the County (*or District, etc.*) of..... This  
is therefore to authorize you to enter between the hours of (*as the  
Justice directs*) into the said premises and to inspect the premises  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Dated at....., in the said County (*or District,*  
*etc.*) of.....this.....day of.....,  
in the year.....

.....  
J. P. for (*Name of County or District*)

Commence-  
ment

4. This Act comes into force on the day it receives Royal  
Assent.

Short title

5. This Act may be cited as *The Ontario Society for the  
Prevention of Cruelty to Animals Amendment Act, 1968-69.*









An Act to amend  
The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955

---

*1st Reading*

February 19th, 1969

*2nd Reading*

November 12th, 1969

*3rd Reading*

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MR. WISHART

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(Reprinted as amended by  
the Agriculture and Food Committee)

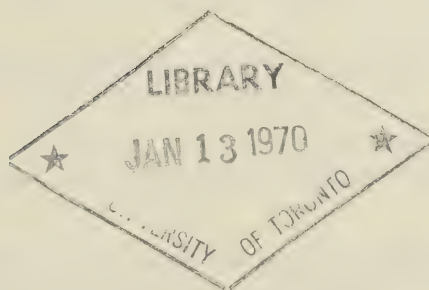
## BILL 74

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955

MR. WISHART



TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 74

1968-69

## An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is repealed and the following substituted therefor: <sup>1955, c. 58, s. 1, re-enacted</sup>

1. In this Act,

Interpre-  
tation

(a) "animal" includes a domestic fowl or a bird that is kept as a pet;

(b) "Board" means the Animal Care Review Board;

(c) "distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;

(d) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1960,  
c. 416

2. Sections 12, 13 and 14 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* are repealed and the following substituted therefor: <sup>1955, c. 58, ss. 12-14, re-enacted</sup>

12.—(1) Where a justice of the peace is satisfied by information on oath in Form 1 that there are reasonable grounds for believing that there is in any building or place, other than a public place, an animal that is in distress, he may at any time issue a warrant in Form 2 under his hand authorizing an inspector or an agent of the Society named therein to enter therein either by himself or accompanied

Search  
warrant

by a veterinarian and inspect the building or place and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Entry  
without  
warrant

- (2) Where an inspector or agent of the Society observes an animal in immediate distress, he may enter, without warrant, any premises, building or place other than a dwelling place either by himself or accompanied by a veterinarian for the purposes of subsections 3 and 5 and sections 13 and 14.

Authority of  
veterinarian  
to inspect  
animals

- (3) A veterinarian who has entered a building or place with an inspector or an agent of the Society may examine any animal in the building or place for the purpose of ascertaining whether the animal is in distress.

When  
warrant  
to be  
executed

- (4) Every warrant issued under subsection 1 shall be executed between sunrise and sunset unless the justice by the warrant authorizes the inspector or an agent of the Society to execute it at night.

Authority  
to supply  
necessaries  
to animals

- (5) Where an inspector or an agent of the Society has entered any building or place pursuant to this Act and finds therein an animal in distress he may, in addition to any other action he is authorized to take under this Act, supply the animal with food, care or treatment.

Order to  
owner of  
animals,  
etc.

- 13.—(1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

(a) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or

(b) have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Order to  
be in  
writing

- (2) Every order under subsection 1 shall be in writing and shall have printed or written thereon the provisions of subsections 1 and 2 of section 14c.

Service  
of order

- (3) Every order under subsection 1 shall be served upon the owner or custodian personally or by registered mail addressed to the owner or custodian at his last known place of address.



- (4) Where an inspector or an agent of the Society makes <sup>Time for compliance</sup> an order under subsection 1 he shall specify in the <sup>with order</sup> order the time within which any action required by the order shall be performed.
- (5) Every person who is served with an order under sub- <sup>Idem</sup> section 3 shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed.
- (6) Where an order made under subsection 1 remains in <sup>Authority to enter building or place, etc.</sup> force, an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building or place where the animal is kept and, if, in his opinion, the order has been complied with, he shall revoke the order by notice in writing served forthwith upon the owner or custodian in the manner prescribed for service of an order in subsection 3.
- 14.—(1) An inspector or an agent of the Society may re- <sup>Taking possession of animal</sup> move an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where,
- (a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;
  - (b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
  - (c) an order respecting the animal has been made under section 13 and the order has not been complied with.
- (2) An inspector or an agent of the Society may destroy <sup>Destruction of animal</sup> an animal,
- (a) with the consent of the owner; or

(b) where a veterinarian has examined the animal and has advised the inspector or agent in writing that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering.

Notice

(3) Where an inspector or an agent of the Society has removed or destroyed an animal under subsection 1 he shall forthwith notify the owner or custodian of the animal, if known, of his action by notice in writing served upon the owner or custodian in the manner prescribed for service of an order in subsection 3 of section 13.

Liability  
of owner for  
expenses

14a.—(1) Where an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve upon the owner or custodian of the animal a statement of account respecting the food, care or treatment by mailing the same by registered mail to the owner or custodian at his last known place of address and the owner or custodian is, subject to subsection 6 of section 14c, thereupon liable for the amount specified in the statement of account.

Power  
to sell

(2) Where the owner or custodian refuses to pay an account for which he is liable under subsection 1 within five days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

Board  
established

14b.—(1) A board to be known as the Animal Care Review Board is hereby established and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

Chairman,  
vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remunera-  
tion of  
members

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

- 14c.—(1) Where the owner or custodian of any animal <sup>Appeal to Board</sup> deems himself aggrieved by an order made under subsection 1 of section 13 or by the removal of an animal under subsection 1 of section 14, he may, within five days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chairman of the Board.
- (2) Where, in the opinion of the owner or custodian of <sup>Application for revocation of order</sup> an animal in respect of which an order has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chairman of the Board.
- (3) Within five days of the receipt of a notice under sub- <sup>Notice of hearing</sup> section 1 or 2, the chairman of the Board shall,
- (a) fix a time, date and place at which the Board will hear the matter; and
  - (b) notify the Society and the person who issued the notice of the time, date and place fixed under clause *a* either personally or by registered mail addressed to the Society at its head office and to the person who issued the notice at his last known place of address.
- (4) The date fixed for a hearing shall be not more than <sup>Date of hearing</sup> ten days after the receipt of a notice under subsection 1 or 2.
- (5) At a hearing, the Society and the owner or custodian <sup>Procedure at hearing</sup> are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent.
- (6) After a hearing or, with the consent of the Society <sup>Powers of Board</sup> and the person who issued the notice under subsection 1 or 2, without a hearing, the Board may,
- (a) respecting an order made under subsection 1 of section 13, confirm, revoke or modify the order appealed against;
  - (b) respecting the removal of an animal under subsection 1 of section 14, order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 1 of section 13; or

- (c) order that the whole or any part of the cost of complying with an order or providing food, care or treatment to an animal be paid by the Society.

Notice of  
decision

- (7) Notice of the decision of the Board made under subsection 6, together with reasons in writing for its decision, shall be served forthwith upon the Society and the owner or custodian in the manner prescribed for service of a notice in subsection 3.

Appeal

- 14d—(1) The Society or the owner or custodian may appeal the decision of the Board to a judge of the county or district court of the county or district in which the animal was at the time the order or seizure was made.

Notice of  
appeal

- (2) The appeal shall be made by filing a notice of appeal with the clerk of the court and serving a copy thereof on the other parties before the Board within fifteen days after the notice of the Board's decision is served on the appellant under subsection 7 of section 14c.

Date of  
hearing

- (3) The appellant or any person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (4) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision of the Board and make such order as to costs as he considers appropriate, and the decision of the judge is final.

Inspector,  
etc., not  
personally  
liable

- 14e. No inspector or agent of the Society and no veterinarian or member of the Board is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act.

1955, c. 58,  
amended

**3.** *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto the following forms:



## FORM 1

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955**(Section 12 (1) )*

## INFORMATION TO OBTAIN A WARRANT

Province of Ontario  
County of

The information of....., of.....  
in the County (or District, etc.) of.....taken the  
.....day of.....in the year.....,  
before me, ..... a Justice of the Peace for  
the County (or District, etc.) of.....who  
says that he has reasonable grounds for believing that there is an  
animal in distress on the premises of.....  
of.....in the County (or District, etc.) of.....

.....  
*(here add the grounds for belief, whatever they may be).*

Wherefore (he) prays that a warrant may be granted to him  
(and to.....a veterinarian of the.....  
of.....in the County (or District, etc.) of.....)  
to inspect the premises of the said.....  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Sworn, etc.

.....  
J.P. for (Name of County or District)

## FORM 2

*The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955*

(Section 12 (1))

## WARRANT

Province of Ontario  
County of

To....., an inspector or  
an agent of The Ontario Society for the Prevention of Cruelty to  
Animals (*and to.....*,  
*a veterinarian of the.....of.....*  
*in the County (or District, etc.) of.....*)

Whereas it appears on the oath of.....  
of the.....of.....in the County  
(*or District, etc.*) of.....that there are  
reasonable grounds for believing that there is an animal in distress  
on the premises of.....of the.....  
in the County (*or District, etc.*) of..... This

is therefore to authorize you to enter between the hours of (*as the  
Justice directs*) into the said premises and to inspect the premises  
and all animals found therein for the purpose of ascertaining  
whether there is therein any animal in distress.

Dated at....., in the said County (*or District,*  
*etc.*) of.....this.....day of.....,  
in the year.....

.....  
J. P. for (*Name of County or District*)

Commence-  
ment

4. This Act comes into force on the day it receives Royal  
Assent.

Short title

5. This Act may be cited as *The Ontario Society for the  
Prevention of Cruelty to Animals Amendment Act, 1968-69.*



An Act to amend  
The Ontario Society for the Prevention of  
Cruelty to Animals Act, 1955

---

*1st Reading*

February 19th, 1969

*2nd Reading*

November 12th, 1969

*3rd Reading*

December 17th, 1969

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MR. WISHART

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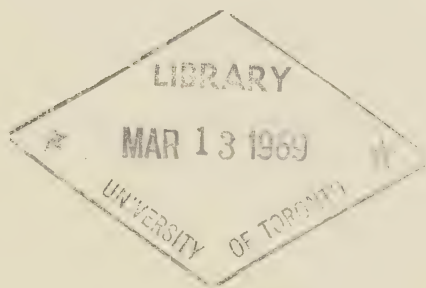
## BILL 75

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Separate Schools Act

MR. MARTEL



#### EXPLANATORY NOTE

The Bill would permit a non-Catholic ratepayer whose spouse is Roman Catholic to elect to be a separate school supporter.

BILL 75

1968-69

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 47 of *The Separate Schools Act*, as amended by section 7 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

(3b) Any person paying rates in a separate school zone who is not a Roman Catholic but whose spouse is Roman Catholic may elect by notice in writing given to the clerk of the municipality on or before the 30th day of September in any year to be a separate school supporter and for the purposes of this Act and *The Assessment Act* such person shall be deemed to be a separate school supporter for the following year and every subsequent year until the election is revoked in the same manner as that in which it was made.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Separate Schools Amendment Act, 1968-69*.

An Act to amend  
The Separate Schools Act

---

*1st Reading*

February 19th, 1969

*2nd Reading*

*3rd Reading*

---

MR. MARTEL

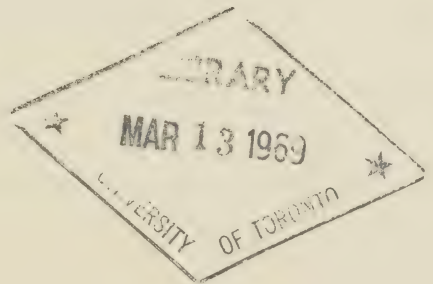
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## BILL 76

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Pension Benefits Act, 1965**

MR. MACNAUGHTON



#### EXPLANATORY NOTE

The amendment prohibits withdrawal of contributions from a plan, except voluntary additional contributions or upon termination of employment or of the plan.

BILL 76

1968-69

**An Act to amend  
The Pension Benefits Act, 1965**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 21 of *The Pension Benefits Act*, 1965, c. 96, s. 21, subs. 2, amended is amended by adding thereto the following clause:

(c) an employee shall not withdraw any part of his contributions, not including voluntary additional contributions, paid under the plan in respect of service in Ontario or in a designated province on or after the qualification date, other than after,

(i) the termination of his employment, or

(ii) the termination or winding up of the plan,

prior to his attaining retirement age and in circumstances where he is not entitled to a deferred life annuity under subsection 1.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Pension Benefits Amendment Act, 1968-69*. Short title

An Act to amend  
The Pension Benefits Act, 1965

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*1st Reading*

February 20th, 1969

*2nd Reading*

*3rd Reading*

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MR. MACNAUGHTON

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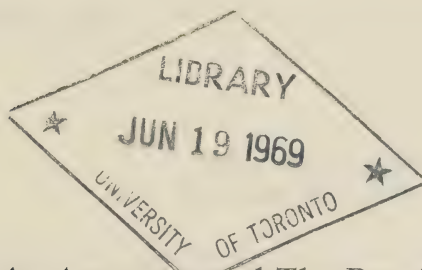


## BILL 76

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Pension Benefits Act, 1965

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MR. MACNAUGHTON

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BILL 76

1968-69

**An Act to amend  
The Pension Benefits Act, 1965**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 21 of *The Pension Benefits Act*, 1965, c. 96, s. 21, subs. 2, amended  
1965 is amended by adding thereto the following clause:

(c) an employee shall not withdraw any part of his contributions, not including voluntary additional contributions, paid under the plan in respect of service in Ontario or in a designated province on or after the qualification date, other than after,

(i) the termination of his employment, or

(ii) the termination or winding up of the plan,

prior to his attaining retirement age and in circumstances where he is not entitled to a deferred life annuity under subsection 1.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Pension Benefits Amendment Act, 1968-69*. Short title

An Act to amend  
The Pension Benefits Act, 1965

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*1st Reading*

February 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. MACNAUGHTON

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## BILL 77

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Police Act

MR. SHULMAN



#### EXPLANATORY NOTE

The Bill prohibits police officers tapping the telephone of any person for the purpose of overhearing conversations transmitted to or from it, except upon the authorization of a judge of the Supreme Court. Penalties are provided for a breach of the provision.

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

- 47a.—(1) In this section, “tap” or “tapping” when used in relation to the telephone of any person, means to overhear or record or to attempt to overhear or record by any attachment, device or other means whatever, other than the unaided human ear, conversation transmitted to or from such telephone, by any person who is not a party to the conversation. Interpre-  
tation
- (2) No member of a police force shall tap the telephone of any person, except under the authority of an order made under subsection 3. Order  
required  
to tap  
telephone
- (3) A member of a police force may apply *ex parte* to a judge of the Supreme Court for an order authorizing him to tap the telephone of a person named and identified in the application. Application  
to judge
- (4) Where the judge is satisfied by such affidavit or other evidence as is adduced before him that the tapping of the telephone of the named and identified person will afford evidence of a contravention of the *Criminal Code* (Canada) or of the provisions of any other statute of Canada or Ontario, for which contravention is punishable by imprisonment, he may on such terms and conditions and with such limitations as to him seem fit, authorize the member of the police force named in the order to tap the telephone of the named and identified person, and for that purpose to utilize such attachment or device or employ such other methods as are specified in the order. Judge may  
authorize  
tapping of  
telephone  
of named  
person  
1953-54,  
c. 51 (Can.)

- Offence (5) A member of a police force who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than two years, or to both.
- Commence-  
ment **2.** This Act comes into force on the day it receives Royal Assent.
- Short title **3.** This Act may be cited as *The Police Amendment Act, 1968-69*.









An Act to amend The Police Act

*1st Reading*

February 20th, 1969

*2nd Reading*

*3rd Reading*

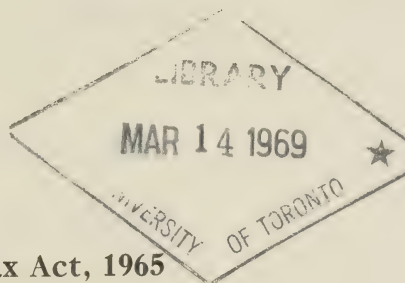
MR. SHULMAN

## BILL 78

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Tobacco Tax Act, 1965

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MR. WHITE

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#### EXPLANATORY NOTE

The tax on each cigarette purchased by a consumer is increased from three-tenths of 1 cent to four-tenths of 1 cent.

## BILL 78

1968-69

## An Act to amend The Tobacco Tax Act, 1965

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 1 of section 2 of *The Tobacco Tax Act, 1965*, as re-enacted by section 1 of *The Tobacco Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(a) four-tenths of 1 cent on every cigarette purchased by him.

**2.** This Act shall be deemed to have come into force on the 5th day of March, 1969.

**3.** This Act may be cited as *The Tobacco Tax Amendment Act, 1968-69*.

BILL 78

An Act to amend  
The Tobacco Tax Act, 1965

*1st Reading*

March 4th, 1969

*2nd Reading*

*3rd Reading*

MR. WHITE



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Publications

**BILL 78**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Tobacco Tax Act, 1965**

MR. WHITE





BILL 78

1968-69

## An Act to amend The Tobacco Tax Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Tobacco Tax Act, 1965*, as re-enacted by section 1 of *The Tobacco Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(a) four-tenths of 1 cent on every cigarette purchased by him.

2. This Act shall be deemed to have come into force on the 5th day of March, 1969.

3. This Act may be cited as *The Tobacco Tax Amendment Act, 1968-69*.

1965,  
c. 130, s. 2,  
subs. 1  
(1968, c. 137,  
s. 1) cl. a,  
re-enacted

Commence-  
ment

Short title

An Act to amend  
The Tobacco Tax Act, 1965

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*1st Reading*

March 4th, 1969

*2nd Reading*

March 12th, 1969

*3rd Reading*

March 25th, 1969

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MR. WHITE

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## BILL 79

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Retail Sales Tax Act, 1960-61

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MR. WHITE

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## EXPLANATORY NOTES

GENERAL. The administration of *The Retail Sales Tax Act, 1960-61* and *The Hospitals Tax Act* was transferred to the Minister of Revenue by *The Department of Revenue Act, 1968*. In addition, during the last year, for greater economy and efficiency, the Hospitals Tax Branch was integrated with the Retail Sales Tax Branch. The majority of the amendments contained in this Bill reflect the organizational changes mentioned in that the pertinent provisions of *The Hospitals Tax Act* have been incorporated into *The Retail Sales Tax Act, 1960-61* and the responsibility and duties under the latter Act are transferred to the Minister of Revenue. *The Hospitals Tax Act* will be repealed. In addition, the base of the retail sales tax is broadened to include transient accommodation.

The following notes are explanations of the amendments except those that reflect the organizational changes.

SECTION 1—Subsection 1. The provisions of *The Hospitals Tax Act* referring to a tax on a purchaser of a ticket to a place of amusement are transferred to *The Retail Sales Tax Act, 1960-61*. The amendment provides for this transfer and it is self-explanatory.

Subsection 2. Reference to the Comptroller of Revenue is deleted. The primary responsibility for this Act is placed on the Minister of Revenue.

Subsection 3. The definition of "fair value" is amended to apply to a taxable service.

Subsection 5. The amendment for clarification refers to metropolitan and regional municipal corporations. The interpretation section is broadened to define place of amusement and price of admission both of which were defined in similar terms in *The Hospitals Tax Act*.

BILL 79

1968-69

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61,  
c. 91, s. 1,  
par. 1,  
re-enacted

1. "admission" includes entry to a place of amusement where any charge is made or fee is collected before or after entry.

(2) Paragraph 2 of the said section 1 is repealed.

1960-61,  
c. 91, s. 1,  
par. 2,  
repealed

(3) Clause *a* of paragraph 5 of the said section 1 is repealed and the following substituted therefor: 1960-61,  
c. 91, s. 1,  
par. 5, cl. *a*,  
re-enacted

- (a) the price for which the tangible personal property or the taxable service was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations accepted by the vendor or person from whom the tangible personal property passed or taxable services were rendered as the price or on account of the price of the tangible personal property purchased or taxable service received.

(4) Paragraph 6 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: 1960-61,  
c. 91, s. 1,  
par. 6  
(1961-62,  
c. 126, s. 1,  
subs. 1),  
re-enacted

6. "Minister" means Minister of Revenue.

(5) Paragraph 7 of the said section 1 is repealed and the following substituted therefor: 1960-61,  
c. 91, s. 1,  
par. 7,  
re-enacted

R.S.O. 1960,  
cc. 191, 98

7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, including a metropolitan or regional municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature.

7a. "place of amusement" means a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.

7b. "price of admission" includes every charge made to or fee collected from a purchaser by a vendor before or after admission to a place of amusement.

1960-61,  
c. 91, s. 1,  
par. 8  
(1962-63,  
c. 127, s. 1,  
subs. 1),  
re-enacted

(6) Paragraph 8 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

8. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense and includes a person who purchases admission for himself to a place of amusement, or a person for whom admission to a place of amusement is purchased by another person.

1960-61,  
c. 91, s. 1,  
par. 11,  
cl. a,  
amended

(7) Clause *a* of paragraph 11 of the said section 1 is amended by adding at the end thereof "or renders to another person a taxable service", so that the clause shall read as follows:

(a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price



Subsection 6. The definition of a "purchaser" is broadened to include a person who acquires or receives a taxable service and a person who purchases admission to a place of amusement. The latter incorporates the provision previously contained in *The Hospitals Tax Act*.

Subsection 7. The definition of "sale" is broadened to include the rendering of a service to another person.

Subsection 8. Reference to telephone and telegraph service is deleted from the definition of "tangible personal property". These are included in the definition of a taxable service.

Subsection 9. Taxable service is defined.

Subsection 10. Transient accommodation is defined.

Subsection 11. The definition of vendor is broadened to include persons who provide taxable services and persons who operate places of amusement. The latter incorporates a similar provision previously contained in *The Hospitals Tax Act*.

or other consideration a person delivers to another person tangible personal property or renders to another person a taxable service.

(8) Paragraph 13 of the said section 1, as re-enacted by section 1 of *The Retail Sales Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 1,  
par. 13  
(1966,  
c. 138, s. 1),  
re-enacted

13. "tangible personal property" means property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses, and includes natural or manufactured gas.

(9) The said section 1 is amended by adding thereto the following paragraph:

1960-61,  
c. 91, s. 1,  
amended

15. "taxable service" means,

- (a) telephone services, including long distance calls;
- (b) telegraph services; and
- (c) transient accommodation.

(10) Paragraph 16 of the said section 1 is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 1,  
par. 16,  
re-enacted

16. "transient accommodation" means the provision of lodging in hotels, motels, hostels, apartment houses, lodging houses, boarding houses, clubs and other similar accommodation, whether or not a membership is required for the lodging, but does not include lodging let for a continuous period of one month or more or lodging in a lodging house, rooming house, or boarding house, if such house has accommodation for less than four tenants.

(11) Paragraph 18 of the said section 1 is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 1,  
par. 18,  
re-enacted

18. "vendor" means a person who, in the ordinary course of his business,

- (a) sells tangible personal property;
- (b) sells or renders a taxable service; or
- (c) operates a place of amusement.

1960-61,  
c. 91,  
s. 2, subs. 1,  
re-enacted

2.—(1) Subsection 1 of section 2 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Tax on  
purchaser  
of tangible  
personal  
property

- (1) Every purchaser of tangible personal property, except the classes thereof referred to in subsection 1a, shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof, computed at the rate of 5 per cent of the fair value thereof.

of liquor,  
beer, wine,  
meals

- (1a) Every purchaser of the following classes of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 10 per cent of the fair value thereof:

1. liquor, beer or wine;

2. prepared meals sold at a price of over \$2.50.

of taxable  
service

- (1b) Every purchaser of a taxable service shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 5 per cent of the fair value thereof.

of admission  
to place of  
amusement

- (1c) Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:

PRICE OF ADMISSION										TAX
More than 75 cents and not more than 84 cents	—	6 cents								
" " 84 " " " " " 90 "	—	7 "								
" " 90 " " " " " 92 "	—	8 "								

and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission.

1960-61,  
c. 91, s. 2,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor:

When tax  
payable

- (2) A purchaser shall pay the tax imposed by this Act at the time of the sale.

1960-61,  
c. 91, s. 2,  
subs. 4,  
amended

(3) Subsection 4 of the said section 2 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

SECTION 2—Subsection 1. Under subsection 1*a*, the rate of tax imposed on a purchaser of liquor, beer, wine and meals over \$2.50 is increased from 5 per cent to 10 per cent and the exemption on meals consumed off the premises is removed. In part, this incorporates a provision of *The Hospitals Tax Act*. Subsection 1*b* imposes a tax at the rate of 5 per cent on a purchaser of a taxable service. Subsection 1*c* incorporates a similar provision previously contained in *The Hospitals Tax Act*.

Subsection 2. The amendment is intended to clarify the meaning of the subsection.

Subsection 4. The subsection repealed was redundant.

Subsection 5. Although the administration of this Act was transferred to the Minister of Revenue, the Treasurer of Ontario will continue to receive moneys payable to Her Majesty the Queen under this Act.

Subsection 6. The additional subsection is for clarification purposes.

Subsection 8. Where exempt property is put to a taxable use, it will be taxable at that time.

SECTION 3—Subsection 1. The amendment is complementary to sections 1 and 2 of the Bill.

(4) Subsection 5 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 2 of section 2 of *The Retail Sales Tax Amendment*<sup>c. 91, s. 2,</sup>  
*Act, 1966*, is repealed.<sup>subs. 5,</sup>  
<sup>repealed</sup>

(5) Subsection 6 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 1 of section 1 of *The Retail Sales Tax Amendment*<sup>c. 91, s. 2,</sup>  
*Act, 1965*, is further amended by inserting after "Treasurer"<sup>subs. 6,</sup>  
in the fifth line "of Ontario".<sup>amended</sup>

(6) The said section 2 is amended by adding thereto the<sup>1960-61,</sup>  
following subsection:<sup>c. 91, s. 2,</sup>  
<sup>amended</sup>

(6a) Where a person has paid an amount under this Act<sup>Idem</sup>  
as tax that is not payable as tax under this Act,  
the Treasurer of Ontario may refund such amount  
upon receipt of satisfactory evidence that the amount  
was wrongfully paid.

(7) Subsection 7 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 3 of section 2 of *The Retail Sales Tax Amendment Act,*<sup>c. 91, s. 2,</sup>  
*1964* and subsection 3 of section 2 of *The Retail Sales Tax*<sup>subs. 7,</sup>  
*Amendment Act, 1966*, is further amended by striking out<sup>amended</sup>  
"Comptroller" in the ninth line and inserting in lieu thereof  
"Minister".

(8) The said section 2 is amended by adding thereto the<sup>1960-61,</sup>  
following subsection:<sup>c. 91, s. 2,</sup>  
<sup>amended</sup>

(10) Where tangible personal property has been pur-<sup>Where</sup>  
chased exempt from the tax imposed by this Act,<sup>exempt</sup>  
and the tangible personal property is subsequently<sup>property</sup>  
put to a taxable use, the purchaser shall pay the tax<sup>put to</sup>  
imposed by this Act on the fair value of the tangible<sup>taxable use</sup>  
personal property at the time of change of use.

**3.**—(1) Subsection 1 of section 3 of *The Retail Sales Tax*<sup>1960-61,</sup>  
*Act, 1960-61* is repealed and the following substituted therefor:<sup>c. 91, s. 3,</sup>  
<sup>subs. 1,</sup>  
<sup>re-enacted</sup>

(1) No vendor shall sell any tangible personal property<sup>Vendor</sup>  
or taxable services or operate a place of amusement<sup>permits</sup>  
unless he has been granted upon his application a  
permit for each place in Ontario where he transacts  
business and such permit is in force at the time of the  
sale.

(2) Subsection 2 of the said section 3 is amended by striking<sup>1960-61,</sup>  
out "Comptroller" in the first line and inserting in lieu thereof<sup>c. 91, s. 3,</sup>  
"Minister".<sup>subs. 2,</sup>  
<sup>amended</sup>



1960-61,  
c. 91, s. 3,  
subs. 3,  
amended

(3) Subsection 3 of the said section 3, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the first line and in the amendment of 1964 and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 3,  
subs. 4,  
amended

(4) Subsection 4 of the said section 3 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 4,  
re-enacted

4. Section 4 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Sales in  
bulk,  
R.S.O. 1960,  
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate furnished under subsection 1, and, if he fails to do so, he is responsible for payment to the Treasurer of Ontario of all taxes collectable or payable by the person thus disposing of his stock through a sale in bulk.

1960-61,  
c. 91, s. 5,  
pars. 1, 2,  
re-enacted

5.—(1) Paragraphs 1 and 2 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor:

1. food products for human consumption except candies and other confections and soft drinks;

2. prepared meals sold at a price of \$2.50 or less.

1960-61,  
c. 91, s. 5,  
par. 9,  
amended

(2) Paragraph 9 of the said section 5, as amended by subsection 3 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 10,  
amended

(3) Paragraph 10 of the said section 5, as amended by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 12  
(1967, c. 88,  
s. 2, subs. 1),  
amended

(4) Paragraph 12 of the said section 5, as re-enacted by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".



SECTION 4. The section is revised for clarification purposes.

SECTION 5—Subsection 1. Food products continue to be exempt and the exemption limit for prepared meals is raised from \$1.50 to \$2.50.

Subsection 10. The exemption on production machinery is removed.

(5) Paragraph 16 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 16, amended

(6) Paragraph 18 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 18, amended

(7) Paragraph 24 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 24 (1966, c. 138, s. 3, subs. 6), amended

(8) Paragraph 25 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 25 (1966, c. 138, s. 3, subs. 6), amended

(9) Paragraph 37 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 37 (1966, c. 138, s. 3, subs. 8), amended

(10) Paragraph 38 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 2 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is repealed. 1960-61, c. 91, s. 5, par. 38 (1961-62, c. 126, s. 3, subs. 4), repealed

(11) Paragraph 39 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 39 (1961-62, c. 126, s. 3, subs. 4), amended

(12) Paragraph 44 of the said section 5, as enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 44 (1961-62, c. 126, s. 3, subs. 7), amended

(13) Paragraph 45 of the said section 5, as re-enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 45 (1961-62, c. 126, s. 3, subs. 7), amended

(14) Paragraph 48 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 48 (1961-62, c. 126, s. 3, subs. 8), amended

1960-61,  
c. 91, s. 5,  
par. 50,  
amended

(15) Paragraph 50 of the said section 5 is amended by striking out "by the glass", so that the paragraph shall read as follows:

50. draft beer sold on licensed premises.

1960-61,  
c. 91, s. 5,  
par. 51,  
repealed

(16) Paragraph 51 of the said section 5 is repealed.

1960-61,  
c. 91, s. 5,  
par. 53,  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(17) Paragraph 53 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 56  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(18) Paragraph 56 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 10 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 57  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(19) Paragraph 57 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 11 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 58,  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(20) Paragraph 58 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and in the third line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 5,  
par. 59  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(21) Paragraph 59 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 61  
(1964,  
c. 104, s. 4),  
amended

(22) Paragraph 61 of the said section 5, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1964* and amended by subsection 12 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 65  
(1966,  
c. 138, s. 3,  
subs. 14),  
amended

(23) Paragraph 65 of the said section 5, as enacted by subsection 14 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister".

Subsection 15. Draft beer whether or not sold by the glass in licensed premises continues to be exempt.

Subsection 16. The amendment is complementary to the repeal of *The Hospitals Tax Act*.

Subsection 24. The amendment is intended to clarify the Act and is complementary to section 2.

SECTION 6—Subsection 2. The provisions contained in this amendment are similar to those contained in *The Hospitals Tax Act*.

(24) The said section 5 is amended by adding thereto the following subsections: <sup>1960-61,  
c. 91, s. 5,  
amended</sup>

(2) The purchaser of tangible personal property purchased to provide a taxable service is not exempt from the tax imposed by this Act. <sup>Exceptions</sup>

(3) No taxable service is exempt from the tax imposed by this Act by reason of the fact that the tangible personal property used in providing the taxable service is tangible personal property in respect of which tax imposed by this Act has been paid. <sup>Idem</sup>

**6.**—(1) Section 5b of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. <sup>1960-61,  
c. 91, s. 5b  
(1961-62,  
c. 126, s. 4),  
amended</sup>

(2) The said section 5b is further amended by adding thereto the following subsections: <sup>1960-61,  
c. 91, s. 5b  
(1961-62,  
c. 126, s. 4),  
amended</sup>

(2) Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 1c of section 2. <sup>Idem</sup>

(3) Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 1c of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement. <sup>Idem</sup>



Canadian  
per-  
formances

- (4) Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 1c of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 1c of section 2.

1960-61,  
c. 91, s. 6,  
subs. 1,  
amended

- 7.** Subsection 1 of section 6 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 7,  
amended

- 8.** Section 7 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the fifth line "of Ontario".

1960-61,  
c. 91, s. 8,  
amended

- 9.** Section 8 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the second line "of Ontario".

1960-61,  
c. 91, s. 9,  
subs. 1,  
amended

- 10.** Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61*, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 10,  
subs. 1,  
amended

- 11.—(1)** Subsection 1 of section 10 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 10,  
subs. 2  
(1964,  
c. 104, s. 6),  
amended

- (2) Subsection 2 of the said section 10, as enacted by section 6 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 12,  
(1964,  
c. 104, s. 7),  
subs. 2,  
amended

- 12.** Subsection 2 of section 12 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 7 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the first line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 13,  
subs. 1,  
re-enacted

- 13.—(1)** Subsection 1 of section 13 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:



SECTION 13—Subsection 1. The amendment is complementary to sections 1, 2 and 3 of the Bill.



- (1) Where a vendor fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Minister may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor. <sup>Assessment of tax collected</sup>
- (2) Subsection 2 of the said section 13 is amended by striking out "Comptroller" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister". <sup>1960-61, c. 91, s. 13, subs. 2, amended</sup>
- (3) Subsection 3 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 13, subs. 3, amended</sup>
- (4) Subsection 4 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer", in the fifth line "of Ontario". <sup>1960-61, c. 91, s. 13, subs. 4, amended</sup>
- (5) Subsection 6 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 13, subs. 6, amended</sup>
- (6) Subsection 8 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 13, subs. 8, amended</sup>
- 14.** Subsection 2 of section 14 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line, in the third line and in the eleventh line and inserting in lieu thereof in each instance "Minister". <sup>1960-61, c. 91, s. 14, subs. 2, amended</sup>
- 15.** Section 15 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 6 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by section 8 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the fifth line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 15, (1961-62, c. 126, s. 6), amended</sup>
- 16.—**(1) Subsection 1 of section 17 of *The Retail Sales Tax Act, 1960-61*, as amended by section 4 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 17, subs. 1, amended</sup>
- (2) Subsection 2 of the said section 17 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 17, subs. 2, amended</sup>

1960-61,  
c. 91, s. 17,  
subs. 3,  
amended (3) Subsection 3 of the said section 17 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 1,  
amended **17.**—(1) Subsection 1 of section 18 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and in the seventh line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 18,  
subs. 2,  
amended (2) Subsection 2 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 3,  
amended (3) Subsection 3 of the said section 18 is amended by striking out "Treasurer" in the first line and "Comptroller" in the second line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 18,  
subs. 5,  
amended (4) Subsection 5 of the said section 18 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 6,  
amended (5) Subsection 6 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 19,  
subs. 1,  
amended **18.** Subsection 1 of section 19 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 20,  
subs. 3,  
cl. c,  
subcl. iv,  
amended **19.** Subclause iv of clause c of subsection 3 of section 20 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 21,  
amended **20.** Section 21 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 1,  
amended **21.**—(1) Subsection 1 of section 24 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 2,  
amended (2) Subsection 2 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 3,  
amended (3) Subsection 3 of the said section 24, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".



SECTION 23. The rates of interest on amounts payable to or to be remitted to the Treasurer will be such as are prescribed by the Lieutenant Governor in Council from time to time.

(4) Subsection 4 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the fifth and sixth lines and inserting in lieu thereof "Department of Revenue". <sup>1960-61, c. 91, s. 24, subs. 4, amended</sup>

(5) Subsection 5 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 24, subs. 5, amended</sup>

(6) Subsection 6 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the third and fourth lines and inserting in lieu thereof "Department of Revenue". <sup>1960-61, c. 91, s. 24, subs. 6, amended</sup>

(7) Subsection 7 of the said section 24 is amended by striking out "Office of the Comptroller of Revenue" in the fourth line and inserting in lieu thereof "Department of Revenue" and by striking out "Comptroller" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister". <sup>1960-61, c. 91, s. 24, subs. 7, amended</sup>

**22.** Section 26 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 26, amended</sup>

**23.**—(1) Section 27 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 27, re-enacted</sup>

27.—(1) Any amount payable or to be remitted to the Treasurer of Ontario under this Act bears interest, <sup>Interest</sup> at such rate as is prescribed by the regulations, from the day on which such amount should have been paid or remitted to the Treasurer of Ontario to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date.

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest, <sup>Idem</sup> at such rate as is prescribed by the regulations, calculated from thirty days after the day of mailing of the notice of assessment until the day of payment.

**24.**—(1) Subsection 1 of section 28 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer" in the seventh line "of Ontario". <sup>1960-61, c. 91, s. 28, subs. 1, amended</sup>



1960-61,  
c. 91, s. 28,  
subs. 2,  
amended (2) Subsection 2 of the said section 28 is amended by inserting after "Treasurer" in the first line "of Ontario".

1960-61,  
c. 91, s. 28,  
subs. 3,  
amended (3) Subsection 3 of the said section 28 is amended by inserting after "Treasurer" in the sixth line "of Ontario".

1960-61,  
c. 91, s. 29,  
subs. 1,  
cl. a,  
amended **25.**—(1) Clause *a* of subsection 1 of section 29 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 29,  
subs. 1,  
cl. b,  
amended (2) Clause *b* of subsection 1 of the said section 29 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91,  
s. 29,  
subs. 2,  
amended (3) Subsection 2 of the said section 29 is amended by striking out "Treasurer or the Comptroller" in the third line and inserting in lieu thereof "Minister" and by striking out "Treasurer or of any officer of the Office of the Comptroller of Revenue" in the eighth and ninth lines and inserting in lieu thereof "Minister or of any officer of the Department of Revenue".

1960-61,  
c. 91,  
s. 31,  
subs. 1,  
amended **26.**—(1) Subsection 1 of section 31 of *The Retail Sales Tax Act, 1960-61*, as amended by section 6 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister", by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 31,  
subs. 2,  
amended (2) Subsection 2 of the said section 31 is amended by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Comptroller" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 31,  
subs. 3  
(1964,  
c. 104, s. 11),  
amended (3) Subsection 3 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by inserting after "Treasurer" in the fifth line and in the seventh line "of Ontario" and by striking out "Treasurer" in the eighth line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 31,  
subs. 4  
(1964,  
c. 104, s. 11),  
amended (4) Subsection 4 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister" and by inserting after "Treasurer" in the sixth line and in the seventh line "of Ontario".





SECTION 29—Subsection 2. Authority is provided to make regulations to prescribe the rates of interest for the purposes of section 27. Complementary to section 23 of the Bill.

**27.**—(1) Subsection 3 of section 35 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “Comptroller” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. <sup>1960-61, c. 91, s. 35, subs. 3, amended</sup>

(2) Subsection 4 of the said section 35 is amended by striking out “Comptroller” in the second line and inserting in lieu thereof “Minister”. <sup>1960-61, c. 91, s. 35, subs. 4, amended</sup>

(3) Subsection 7 of the said section 35 is amended by inserting after “Treasurer” in the second line “of Ontario”. <sup>1960-61, c. 91, s. 35, subs. 7, amended</sup>

**28.** Section 36 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “Comptroller” in the third line and inserting in lieu thereof “Minister”. <sup>1960-61, c. 91, s. 36, amended</sup>

**29.**—(1) Clause *c* of subsection 2 of section 39 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 39, subs. 2, cl. c, re-enacted</sup>

(c) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

(2) Subsection 2 of the said section 39, as amended by section 12 of *The Retail Sales Tax Amendment Act, 1964* and section 7 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by adding thereto the following clause: <sup>1960-61, c. 91, s. 39, subs. 2, amended</sup>

(h) prescribing the rates of interest payable on amounts payable to or to be remitted to the Treasurer of Ontario under this Act.

**30.** This Act comes into force on the 1st day of April, 1969. <sup>Commencement</sup>

**31.** This Act may be cited as *The Retail Sales Tax Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend  
The Retail Sales Tax Act, 1960-61

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*1st Reading*

March 4th, 1969

*2nd Reading*

*3rd Reading*

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MR. WHITE

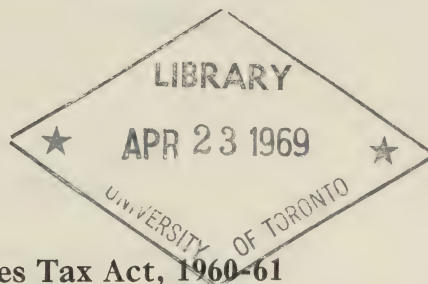
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## BILL 79

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Retail Sales Tax Act, 1960-61

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MR. WHITE

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BILL 79

1968-69

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted there-<sup>1960-61,  
c. 91, s. 1,  
par. 1,  
re-enacted</sup> for:

1. "admission" includes entry to a place of amusement where any charge is made or fee is collected before or after entry.

(2) Paragraph 2 of the said section 1 is repealed.

<sup>1960-61,  
c. 91, s. 1,  
par. 2,  
repealed</sup>

(3) Clause *a* of paragraph 5 of the said section 1 is repealed and the following substituted therefor:

<sup>1960-61,  
c. 91, s. 1,  
par. 5, cl. *a*,  
re-enacted</sup>

- (*a*) the price for which the tangible personal property or the taxable service was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations accepted by the vendor or person from whom the tangible personal property passed or taxable services were rendered as the price or on account of the price of the tangible personal property purchased or taxable service received.

(4) Paragraph 6 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted there-<sup>1960-61,  
c. 91 s. 1,  
par. 6,  
(1961-62,  
c. 126, s. 1,  
subs. 1),  
re-enacted</sup> for:

6. "Minister" means Minister of Revenue.

(5) Paragraph 7 of the said section 1 is repealed and the following substituted therefor:

<sup>1960-61,  
c. 91, s. 1,  
par. 7,  
re-enacted</sup>

R.S.O. 1960,  
cc. 191, 98

7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, including a metropolitan or regional municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature.

7a. "place of amusement" means a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.

7b. "price of admission" includes every charge made to or fee collected from a purchaser by a vendor before or after admission to a place of amusement.

1960-61,  
c. 91, s. 1,  
par. 8  
(1962-63,  
c. 127, s. 1,  
subs. 1),  
re-enacted

(6) Paragraph 8 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

8. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense and includes a person who purchases admission for himself to a place of amusement, or a person for whom admission to a place of amusement is purchased by another person.

1960-61,  
c. 91, s. 1,  
par. 11,  
cl. a,  
amended

(7) Clause *a* of paragraph 11 of the said section 1 is amended by adding at the end thereof "or renders to another person a taxable service", so that the clause shall read as follows:

(a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price



or other consideration a person delivers to another person tangible personal property or renders to another person a taxable service.

(8) Paragraph 13 of the said section 1, as re-enacted by 1960-61, c. 91, s. 1, section 1 of *The Retail Sales Tax Amendment Act, 1966*, is par. 13 (1966, c. 138, s. 1), repealed and the following substituted therefor: re-enacted

13. "tangible personal property" means property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses, and includes natural or manufactured gas.

(9) The said section 1 is amended by adding thereto the 1960-61, c. 91, s. 1, following paragraph: amended

15. "taxable service" means,

- (a) telephone services, including long distance calls;
- (b) telegraph services; and
- (c) transient accommodation.

(10) Paragraph 16 of the said section 1 is repealed and the 1960-61, c. 91, s. 1, following substituted therefor: par. 16, re-enacted

16. "transient accommodation" means the provision of lodging in hotels, motels, hostels, apartment houses, lodging houses, boarding houses, clubs and other similar accommodation, whether or not a membership is required for the lodging, but does not include lodging let for a continuous period of one month or more or lodging in a lodging house, rooming house, or boarding house, if such house has accommodation for less than four tenants.

(11) Paragraph 18 of the said section 1 is repealed and the 1960-61, c. 91, s. 1, following substituted therefor: par. 18, re-enacted

18. "vendor" means a person who, in the ordinary course of his business,

- (a) sells tangible personal property;
- (b) sells or renders a taxable service; or
- (c) operates a place of amusement.

1960-61,  
c. 91,  
s. 2, subs. 1,  
re-enacted

2.—(1) Subsection 1 of section 2 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Tax on  
purchaser  
of tangible  
personal  
property

- (1) Every purchaser of tangible personal property, except the classes thereof referred to in subsection 1a, shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof, computed at the rate of 5 per cent of the fair value thereof.

of liquor,  
beer, wine,  
meals

- (1a) Every purchaser of the following classes of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 10 per cent of the fair value thereof:

1. liquor, beer or wine;

2. prepared meals sold at a price of over \$2.50.

of taxable  
service

- (1b) Every purchaser of a taxable service shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 5 per cent of the fair value thereof.

of admission  
to place of  
amusement

- (1c) Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:

PRICE OF ADMISSION										TAX	
More than 75 cents and not more than 84 cents	—	6 cents									
" " 84 " " " " " 90 " "	—	7 "									
" " 90 " " " " " 92 " "	—	8 "									

and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission.

1960-61,  
c. 91, s. 2,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor:

When tax  
payable

- (2) A purchaser shall pay the tax imposed by this Act at the time of the sale.

1960-61,  
c. 91, s. 2,  
subs. 4,  
amended

(3) Subsection 4 of the said section 2 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

(4) Subsection 5 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 2 of section 2 of *The Retail Sales Tax Amendment*<sup>c. 91, s. 2,</sup>  
*Act, 1966*, is repealed.<sup>subs. 5,</sup>  
<sup>repealed</sup>

(5) Subsection 6 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 1 of section 1 of *The Retail Sales Tax Amendment*<sup>c. 91, s. 2,</sup>  
*Act, 1965*, is further amended by inserting after "Treasurer",<sup>subs. 6,</sup>  
in the fifth line "of Ontario".<sup>amended</sup>

(6) The said section 2 is amended by adding thereto the<sup>1960-61,</sup>  
following subsection:<sup>c. 91, s. 2,</sup>  
<sup>amended</sup>

(6a) Where a person has paid an amount under this Act<sup>Idem</sup>  
as tax that is not payable as tax under this Act,  
the Treasurer of Ontario may refund such amount  
upon receipt of satisfactory evidence that the amount  
was wrongfully paid.

(7) Subsection 7 of the said section 2, as amended by sub-<sup>1960-61,</sup>  
section 3 of section 2 of *The Retail Sales Tax Amendment Act*,<sup>c. 91, s. 2,</sup>  
*1964* and subsection 3 of section 2 of *The Retail Sales Tax*<sup>subs. 7,</sup>  
*Amendment Act, 1966*, is further amended by striking out<sup>amended</sup>  
"Comptroller" in the ninth line and inserting in lieu thereof  
"Minister".

(8) The said section 2 is amended by adding thereto the<sup>1960-61,</sup>  
following subsection:<sup>c. 91, s. 2,</sup>  
<sup>amended</sup>

(10) Where tangible personal property has been pur-<sup>Where</sup>  
chased exempt from the tax imposed by this Act,<sup>exempt</sup>  
and the tangible personal property is subsequently<sup>property</sup>  
put to a taxable use, the purchaser shall pay the tax<sup>put to</sup>  
imposed by this Act on the fair value of the tangible<sup>taxable use</sup>  
personal property at the time of change of use.

**3.**—(1) Subsection 1 of section 3 of *The Retail Sales Tax*<sup>1960-61,</sup>  
*Act, 1960-61* is repealed and the following substituted therefor:<sup>c. 91, s. 3,</sup>  
<sup>subs. 1,</sup>  
<sup>re-enacted</sup>

(1) No vendor shall sell any tangible personal property<sup>Vendor</sup>  
or taxable services or operate a place of amusement<sup>permits</sup>  
unless he has been granted upon his application a  
permit for each place in Ontario where he transacts  
business and such permit is in force at the time of the  
sale.

(2) Subsection 2 of the said section 3 is amended by striking<sup>1960-61,</sup>  
out "Comptroller" in the first line and inserting in lieu thereof<sup>c. 91, s. 3,</sup>  
"Minister".<sup>subs. 2,</sup>  
<sup>amended</sup>

1960-61,  
c. 91, s. 3,  
subs. 3,  
amended

(3) Subsection 3 of the said section 3; as amended by section 3 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the first line and in the amendment of 1964 and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 3,  
subs. 4,  
amended

(4) Subsection 4 of the said section 3 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 4,  
re-enacted

4. Section 4 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Sales in  
bulk,  
R.S.O. 1960,  
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate furnished under subsection 1, and, if he fails to do so, he is responsible for payment to the Treasurer of Ontario of all taxes collectable or payable by the person thus disposing of his stock through a sale in bulk.

1960-61,  
c. 91, s. 5,  
pars. 1, 2,  
re-enacted

5.—(1) Paragraphs 1 and 2 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor:

1. food products for human consumption except candies and other confections and soft drinks;

2. prepared meals sold at a price of \$2.50 or less.

1960-61,  
c. 91, s. 5,  
par. 9,  
amended

(2) Paragraph 9 of the said section 5, as amended by subsection 3 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 10,  
amended

(3) Paragraph 10 of the said section 5, as amended by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 12  
(1967, c. 88,  
s. 2, subs. 1),  
amended

(4) Paragraph 12 of the said section 5, as re-enacted by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".



(5) Paragraph 16 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 16, amended

(6) Paragraph 18 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 18, amended

(7) Paragraph 24 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 24 (1966, c. 138, s. 3, subs. 6), amended

(8) Paragraph 25 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 25 (1966, c. 138, s. 3, subs. 6), amended

(9) Paragraph 37 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 37 (1966, c. 138, s. 3, subs. 8), amended

(10) Paragraph 38 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 2 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is repealed. 1960-61, c. 91, s. 5, par. 38 (1961-62, c. 126, s. 3, subs. 4), repealed

(11) Paragraph 39 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 39 (1961-62, c. 126, s. 3, subs. 4), amended

(12) Paragraph 44 of the said section 5, as enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 44 (1961-62, c. 126, s. 3, subs. 7), amended

(13) Paragraph 45 of the said section 5, as re-enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 45 (1961-62, c. 126, s. 3, subs. 7), amended

(14) Paragraph 48 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 48 (1961-62, c. 126, s. 3, subs. 8), amended

1960-61,  
c. 91, s. 5,  
par. 50,  
amended

(15) Paragraph 50 of the said section 5 is amended by striking out "by the glass", so that the paragraph shall read as follows:

50. draft beer sold on licensed premises.

1960-61,  
c. 91, s. 5,  
par. 51,  
repealed

(16) Paragraph 51 of the said section 5 is repealed.

1960-61,  
c. 91, s. 5,  
par. 53,  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(17) Paragraph 53 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 56  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(18) Paragraph 56 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 10 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, "  
c. 91, s. 5,  
par. 57  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(19) Paragraph 57 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 11 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 58,  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(20) Paragraph 58 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and in the third line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 5,  
par. 59  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
amended

(21) Paragraph 59 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 61  
(1964,  
c. 104, s. 4),  
amended

(22) Paragraph 61 of the said section 5, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1964* and amended by subsection 12 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 5,  
par. 65  
(1966,  
c. 138, s. 3,  
subs. 14),  
amended

(23) Paragraph 65 of the said section 5, as enacted by subsection 14 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister".

(24) The said section 5 is amended by adding thereto the following subsections: <sup>1960-61,  
c. 91, s. 5,  
amended</sup>

(2) The purchaser of tangible personal property purchased to provide a taxable service is not exempt from the tax imposed by this Act. <sup>Exceptions</sup>

(3) No taxable service is exempt from the tax imposed by this Act by reason of the fact that the tangible personal property used in providing the taxable service is tangible personal property in respect of which tax imposed by this Act has been paid. <sup>Idem</sup>

**6.**—(1) Section 5*b* of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. <sup>1960-61,  
c. 91, s. 5*b*  
(1961-62,  
c. 126, s. 4),  
amended</sup>

(2) The said section 5*b* is further amended by adding thereto the following subsections: <sup>1960-61,  
c. 91, s. 5*b*  
(1961-62,  
c. 126, s. 4),  
amended</sup>

(2) Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 1*c* of section 2. <sup>Idem</sup>

(3) Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 1*c* of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement. <sup>Idem</sup>



Canadian  
per-  
formances

- (4) Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 1c of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 1c of section 2.

1960-61,  
c. 91, s. 6,  
subs. 1,  
amended

- 7.** Subsection 1 of section 6 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 7,  
amended

- 8.** Section 7 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the fifth line "of Ontario".

1960-61,  
c. 91, s. 8,  
amended

- 9.** Section 8 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the second line "of Ontario".

1960-61,  
c. 91, s. 9,  
subs. 1,  
amended

- 10.** Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61*, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 10,  
subs. 1,  
amended

- 11.—(1)** Subsection 1 of section 10 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 10,  
subs. 2  
(1964,  
c. 104, s. 6),  
amended

- (2) Subsection 2 of the said section 10, as enacted by section 6 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 12,  
(1964,  
c. 104, s. 7),  
subs. 2,  
amended

- 12.** Subsection 2 of section 12 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 7 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the first line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 13,  
subs. 1,  
re-enacted

- 13.—(1)** Subsection 1 of section 13 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:



(1) Where a vendor fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Minister may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor. Assessment  
of tax  
collected

(2) Subsection 2 of the said section 13 is amended by striking out "Comptroller" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister". 1960-61,  
c. 91, s. 13,  
subs. 2,  
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 13,  
subs. 3,  
amended

(4) Subsection 4 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer" in the fifth line "of Ontario". 1960-61,  
c. 91, s. 13,  
subs. 4,  
amended

(5) Subsection 6 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 13,  
subs. 6,  
amended

(6) Subsection 8 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 13,  
subs. 8,  
amended

**14.** Subsection 2 of section 14 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line, in the third line and in the eleventh line and inserting in lieu thereof in each instance "Minister". 1960-61,  
c. 91, s. 14,  
subs. 2,  
amended

**15.** Section 15 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 6 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by section 8 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the fifth line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 15,  
(1961-62,  
c. 126, s. 6),  
amended

**16.—**(1) Subsection 1 of section 17 of *The Retail Sales Tax Act, 1960-61*, as amended by section 4 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 17,  
subs. 1,  
amended

(2) Subsection 2 of the said section 17 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister". 1960-61,  
c. 91, s. 17,  
subs. 2,  
amended

1960-61,  
c. 91, s. 17,  
subs. 3,  
amended (3) Subsection 3 of the said section 17 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 1,  
amended **17.**—(1) Subsection 1 of section 18 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and in the seventh line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 18,  
subs. 2,  
amended (2) Subsection 2 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 3,  
amended (3) Subsection 3 of the said section 18 is amended by striking out "Treasurer" in the first line and "Comptroller" in the second line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 18,  
subs. 5,  
amended (4) Subsection 5 of the said section 18 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 18,  
subs. 6,  
amended (5) Subsection 6 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 19,  
subs. 1,  
amended **18.** Subsection 1 of section 19 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 20,  
subs. 3,  
cl. c,  
subcl. iv,  
amended **19.** Subclause iv of clause c of subsection 3 of section 20 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 21,  
amended **20.** Section 21 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 1,  
amended **21.**—(1) Subsection 1 of section 24 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 2,  
amended (2) Subsection 2 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 24,  
subs. 3,  
amended (3) Subsection 3 of the said section 24, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

(4) Subsection 4 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the fifth and sixth lines and inserting in lieu thereof "Department of Revenue". <sup>1960-61, c. 91, s. 24, subs. 4, amended</sup>

(5) Subsection 5 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 24, subs. 5, amended</sup>

(6) Subsection 6 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the third and fourth lines and inserting in lieu thereof "Department of Revenue". <sup>1960-61, c. 91, s. 24, subs. 6, amended</sup>

(7) Subsection 7 of the said section 24 is amended by striking out "Office of the Comptroller of Revenue" in the fourth line and inserting in lieu thereof "Department of Revenue" and by striking out "Comptroller" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister". <sup>1960-61, c. 91, s. 24, subs. 7, amended</sup>

**22.** Section 26 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". <sup>1960-61, c. 91, s. 26, amended</sup>

**23.—**(1) Section 27 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 27, re-enacted</sup>

27.—(1) Any amount payable or to be remitted to the Treasurer of Ontario under this Act bears interest, at such rate as is prescribed by the regulations, from the day on which such amount should have been paid or remitted to the Treasurer of Ontario to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date. <sup>Interest</sup>

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest, at such rate as is prescribed by the regulations, calculated from thirty days after the day of mailing of the notice of assessment until the day of payment. <sup>Idem</sup>

**24.—**(1) Subsection 1 of section 28 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer" in the seventh line "of Ontario". <sup>1960-61, c. 91, s. 28, subs. 1, amended</sup>



1960-61,  
c. 91, s. 28,  
subs. 2,  
amended (2) Subsection 2 of the said section 28 is amended by inserting after "Treasurer" in the first line "of Ontario".

1960-61,  
c. 91, s. 28,  
subs. 3,  
amended (3) Subsection 3 of the said section 28 is amended by inserting after "Treasurer" in the sixth line "of Ontario".

1960-61,  
c. 91, s. 29,  
subs. 1,  
cl. a,  
amended **25.**—(1) Clause *a* of subsection 1 of section 29 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 29,  
subs. 1,  
cl. b,  
amended (2) Clause *b* of subsection 1 of the said section 29 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61,  
c. 91,  
s. 29,  
subs. 2,  
amended (3) Subsection 2 of the said section 29 is amended by striking out "Treasurer or the Comptroller" in the third line and inserting in lieu thereof "Minister" and by striking out "Treasurer or of any officer of the Office of the Comptroller of Revenue" in the eighth and ninth lines and inserting in lieu thereof "Minister or of any officer of the Department of Revenue".

1960-61,  
c. 91,  
s. 31,  
subs. 1,  
amended **26.**—(1) Subsection 1 of section 31 of *The Retail Sales Tax Act, 1960-61*, as amended by section 6 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister", by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 31,  
subs. 2,  
amended (2) Subsection 2 of the said section 31 is amended by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Comptroller" in the third line and inserting in lieu thereof "Minister".

1960-61,  
c. 91, s. 31,  
subs. 3  
(1964,  
c. 104, s. 11),  
amended (3) Subsection 3 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by inserting after "Treasurer" in the fifth line and in the seventh line "of Ontario" and by striking out "Treasurer" in the eighth line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

1960-61,  
c. 91, s. 31,  
subs. 4  
(1964,  
c. 104, s. 11),  
amended (4) Subsection 4 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister" and by inserting after "Treasurer" in the sixth line and in the seventh line "of Ontario".

**27.**—(1) Subsection 3 of section 35 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “Comptroller” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. <sup>1960-61, c. 91, s. 35, subs. 3, amended</sup>

(2) Subsection 4 of the said section 35 is amended by striking out “Comptroller” in the second line and inserting in lieu thereof “Minister”. <sup>1960-61, c. 91, s. 35, subs. 4, amended</sup>

(3) Subsection 7 of the said section 35 is amended by inserting after “Treasurer” in the second line “of Ontario”. <sup>1960-61, c. 91, s. 35, subs. 7, amended</sup>

**28.** Section 36 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “Comptroller” in the third line and inserting in lieu thereof “Minister”. <sup>1960-61, c. 91, s. 36, amended</sup>

**29.**—(1) Clause *c* of subsection 2 of section 39 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 39, subs. 2, cl. c, re-enacted</sup>

- (*c*) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

(2) Subsection 2 of the said section 39, as amended by section 12 of *The Retail Sales Tax Amendment Act, 1964* and section 7 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by adding thereto the following clause: <sup>1960-61, c. 91, s. 39, subs. 2, amended</sup>

- (*h*) prescribing the rates of interest payable on amounts payable to or to be remitted to the Treasurer of Ontario under this Act.

**30.** This Act comes into force on the 1st day of April, 1969. <sup>Commencement</sup>

**31.** This Act may be cited as *The Retail Sales Tax Amendment Act, 1968-69*. <sup>Short title</sup>





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An Act to amend  
The Retail Sales Tax Act, 1960-61

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*1st Reading*

March 4th, 1969

*2nd Reading*

March 13th, 1969

*3rd Reading*

March 25th, 1969

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MR. WHITE

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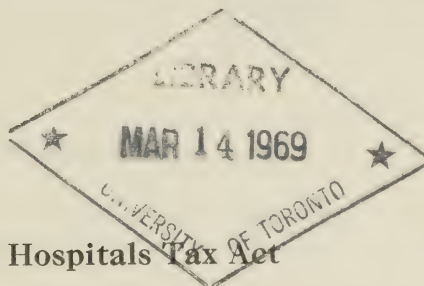


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Public.

**BILL 80**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to repeal The Hospitals Tax Act**

MR. WHITE

EXPLANATORY NOTE

The pertinent provisions of the Act have been incorporated into  
*The Retail Sales Tax Act, 1960-61.*

BILL 80

1968-69

## An Act to repeal The Hospitals Tax Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospitals Tax Act, The Hospitals Tax Amendment Act, 1961-62* and *The Hospitals Tax Amendment Act, 1964* are repealed. R.S.O. 1960,  
c. 178;  
1961-62,  
c. 56;  
1964, c. 40,  
repealed
2. This Act comes into force on the 1st day of April, 1969. Commence-  
ment
3. This Act may be cited as *The Hospitals Tax Repeal Act, 1968-69*. Short title

An Act to repeal The Hospitals Tax Act

*1st Reading*

March 4th, 1969

*2nd Reading*

*3rd Reading*

MR. WHITE

## BILL 80

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to repeal The Hospitals Tax Act

MR. WHITE





BILL 80

1968-69

## An Act to repeal The Hospitals Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospitals Tax Act, The Hospitals Tax Amendment Act, 1961-62* and *The Hospitals Tax Amendment Act, 1964* are repealed. R.S.O. 1960,  
c. 178;  
1961-62,  
c. 56;  
1964, c. 40,  
repealed
2. This Act comes into force on the 1st day of April, 1969. Commence-  
ment
3. This Act may be cited as *The Hospitals Tax Repeal Act, 1968-69*. Short title

An Act to repeal The Hospitals Tax Act

---

*1st Reading*

March 4th, 1969

*2nd Reading*

March 13th, 1969

*3rd Reading*

March 25th, 1969

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MR. WHITE

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**BILL 81**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend  
The Residential Property Tax Reduction Act, 1968**

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MR. McKEOUGH

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#### EXPLANATORY NOTES

SECTION 1. The amendment makes provision for land being separately assessed in 1969 for the purposes of the Act.

SECTION 2.—Subsection 1. The amendment requires every taxpayer to pay not less than 50 per cent of the taxes levied on his property.

BILL 81

1968-69

**An Act to amend  
The Residential Property Tax Reduction Act,  
1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 1 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "1967" <sup>1968, c. 118, s. 1, subs. 2, amended</sup> in the third line and in the eighth line and inserting in lieu thereof in each instance "1968" and by striking out "1968" in the fourth line and inserting in lieu thereof "1969", so that the subsection shall read as follows:

- (2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year 1968, he may apply in the year 1969 to <sup>Where part of land assessed in 1968 should have been separately assessed</sup> the treasurer of the local municipality, and, if the treasurer is satisfied that this is the case, he may so certify, and thereupon such part or parts of such land shall be deemed to have been separately assessed in the year 1968 for the purposes of this Act.

**2.—(1)** Section 2 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "the amount" <sup>1968, c. 118, s. 2, amended</sup> in the fifth line and inserting in lieu thereof "50 per cent", so that the section shall read as follows:

2. Notwithstanding any general or special Act, every local municipality shall reduce the municipal taxes <sup>Reduction of municipal taxes</sup> required to be paid in each year by the amount that is produced by the application of the equalized mill rate to \$2,000 of the assessment of any residential property or 50 per cent of the total of the municipal taxes on such residential property, whichever is the lesser, provided that where taxes are levied under section 53 of *The Assessment Act*, the reduction to <sup>R.S.O. 1960, c. 23</sup>

be made under this section shall be the proportion of the reduction that would otherwise be made under this section that the number of months remaining in the year, after such levy bears to the number 12, and such reduction shall, for the purposes of section 3, be deemed to be made on the date that the payment of the first instalment of taxes is required to be made by by-law passed under section 120 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

1968, c. 118,  
s. 2,  
amended

(2) The said section 2 is further amended by adding thereto the following subsection:

Re tenants  
of Crown  
property,  
etc.

- (2) Where a payment in lieu of taxes is made to a local municipality by the Crown in right of Ontario or any agency thereof or The Hydro-Electric Power Commission of Ontario in any year in respect of residential property, the Crown, agency or Commission shall reduce the payment in lieu of taxes by the amount that a tenant thereof would otherwise be entitled to under this Act if the residential property were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes and shall pay or allow as a reduction in rent such amount to the tenant.

1968, c. 118,  
s. 5,  
amended

3. Section 5 of *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following subsection:

Payment of  
amount of  
reduction  
allowed  
tenants of  
Crown

- (3) Every local municipality may apply to the Department requesting that it be reimbursed for the amount by which payments to it in lieu of taxes have been reduced by the Crown in right of Canada or Ontario and any agency thereof and The Hydro-Electric Power Commission of Ontario for the purpose of paying or allowing as a reduction in rent to tenants of the Crown, agency or Commission amounts that such tenants would otherwise be entitled to under this Act if the residential properties occupied by them were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes, and the Treasurer of Ontario shall pay to the municipality the total amount of such reductions.

1968, c. 118,  
s. 8, subs. 1,  
repealed

4. Subsection 1 of section 8 of *The Residential Property Tax Reduction Act, 1968* is repealed.

Reduction  
of taxes re  
tenants of  
Crown, etc.,  
in 1968

5. The Treasurer of Ontario is authorized to reimburse in the year 1969 the Crown in right of Canada or any agency

Subsection 2. The amendment confers on tenants of residential property of the Crown in right of Ontario or The Hydro-Electric Power Commission of Ontario the same benefits as received by other tenants in Ontario. This provision is made retroactive to include the year 1968.

SECTION 3. The amendment provides for payment to municipalities by the Province of moneys withheld out of payments in lieu of taxes for the purpose of conferring on Crown tenants like benefits under the Act.

SECTION 4. The repealed provisions are no longer necessary in light of the addition of subsection 3 to section 5 of the Act.

SECTION 5. The provision authorizes the Treasurer of Ontario to make reimbursement for moneys paid or allowed to tenants of the Crown or The Hydro-Electric Power Commission of Ontario in respect of the taxation year 1968 in order that such tenants receive the same benefits under the Act as other tenants generally.



thereof, any agency of the Crown in right of Ontario, The Hydro-Electric Power Commission of Ontario or a local municipality for any amounts that are or have been paid or allowed as a reduction in rent to tenants of the Crown in right of Canada or any agency thereof, or of any agency of the Crown in right of Ontario, or of The Hydro-Electric Power Commission of Ontario equal to the amounts that such tenants would otherwise have been entitled to under this Act in respect of the year 1968 had the residential properties occupied by them been liable to taxation at the mill rate that was used in the calculation of the payment in lieu of taxes made in respect of such properties.

**6.**—(1) This Act, except subsection 2 of section 2, shall be deemed to have come into force on the 1st day of January, 1969. <sup>Commence-  
ment</sup>

(2) Subsection 2 of section 2 shall be deemed to have come into force on the 13th day of June, 1968. <sup>Idem</sup>

**7.** This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1968-69*. <sup>Short title</sup>



An Act to amend The Residential  
Property Tax Reduction Act, 1968

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*1st Reading*

March 6th, 1969

*2nd Reading*

*3rd Reading*

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MR. McKEOUGH

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend  
The Residential Property Tax Reduction Act, 1968

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MR. McKEOUGH

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BILL 81

1968-69

**An Act to amend  
The Residential Property Tax Reduction Act,  
1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 1 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "1967" in the third line and in the eighth line and inserting in lieu thereof in each instance "1968" and by striking out "1968" in the fourth line and inserting in lieu thereof "1969", so that the subsection shall read as follows:

- (2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year 1968, he may apply in the year 1969 to the treasurer of the local municipality, and, if the treasurer is satisfied that this is the case, he may so certify, and thereupon such part or parts of such land shall be deemed to have been separately assessed in the year 1968 for the purposes of this Act.

**2.—(1)** Section 2 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "the amount" in the fifth line and inserting in lieu thereof "50 per cent", so that the section shall read as follows:

2. Notwithstanding any general or special Act, every local municipality shall reduce the municipal taxes required to be paid in each year by the amount that is produced by the application of the equalized mill rate to \$2,000 of the assessment of any residential property or 50 per cent of the total of the municipal taxes on such residential property, whichever is the lesser, provided that where taxes are levied under section 53 of *The Assessment Act*, the reduction to

be made under this section shall be the proportion of the reduction that would otherwise be made under this section that the number of months remaining in the year, after such levy bears to the number 12, and such reduction shall, for the purposes of section 3, be deemed to be made on the date that the payment of the first instalment of taxes is required to be made by by-law passed under section 120 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

1968, c. 118,  
s. 2,  
amended

(2) The said section 2 is further amended by adding thereto the following subsection:

Re tenants  
of Crown  
property,  
etc.

- (2) Where a payment in lieu of taxes is made to a local municipality by the Crown in right of Ontario or any agency thereof or The Hydro-Electric Power Commission of Ontario in any year in respect of residential property, the Crown, agency or Commission shall reduce the payment in lieu of taxes by the amount that a tenant thereof would otherwise be entitled to under this Act if the residential property were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes and shall pay or allow as a reduction in rent such amount to the tenant.

1968, c. 118,  
s. 5,  
amended

3. Section 5 of *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following subsection:

Payment of  
amount of  
reduction  
allowed  
tenants of  
Crown

- (3) Every local municipality may apply to the Department requesting that it be reimbursed for the amount by which payments to it in lieu of taxes have been reduced by the Crown in right of Canada or Ontario and any agency thereof and The Hydro-Electric Power Commission of Ontario for the purpose of paying or allowing as a reduction in rent to tenants of the Crown, agency or Commission amounts that such tenants would otherwise be entitled to under this Act if the residential properties occupied by them were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes, and the Treasurer of Ontario shall pay to the municipality the total amount of such reductions.

1968, c. 118,  
s. 8, subs. 1,  
repealed

4. Subsection 1 of section 8 of *The Residential Property Tax Reduction Act, 1968* is repealed.

Reduction  
of taxes re  
tenants of  
Crown, etc.,  
in 1968

5. The Treasurer of Ontario is authorized to reimburse in the year 1969 the Crown in right of Canada or any agency

thereof, any agency of the Crown in right of Ontario, The Hydro-Electric Power Commission of Ontario or a local municipality for any amounts that are or have been paid or allowed as a reduction in rent to tenants of the Crown in right of Canada or any agency thereof, or of any agency of the Crown in right of Ontario, or of The Hydro-Electric Power Commission of Ontario equal to the amounts that such tenants would otherwise have been entitled to under this Act in respect of the year 1968 had the residential properties occupied by them been liable to taxation at the mill rate that was used in the calculation of the payment in lieu of taxes made in respect of such properties.

**6.**—(1) This Act, except subsection 2 of section 2, shall be deemed to have come into force on the 1st day of January, 1969. <sup>Commence-  
ment</sup>

(2) Subsection 2 of section 2 shall be deemed to have come into force on the 13th day of June, 1968. <sup>Idem</sup>

**7.** This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1968-69*. <sup>Short title</sup>





An Act to amend The Residential  
Property Tax Reduction Act, 1968

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*1st Reading*

March 6th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. McKEOUGH

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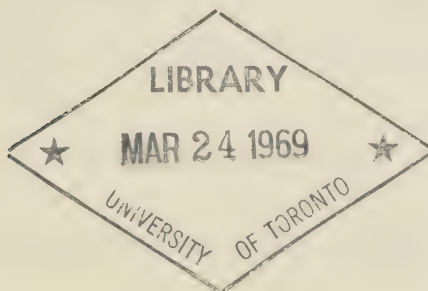


**BILL 82**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Insurance Act**

MR. SHULMAN



**TORONTO**

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill removes the prohibition against twisting life insurance policies.

BILL 82

1968-69

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 330 of *The Insurance Act* is amended by striking out "induces, directly or indirectly, an insured to lapse, forfeit or surrender for cash, or for paid up or extended insurance, or for other valuable consideration, his contract of life insurance with one insurer in order to effect a contract of life insurance with another insurer or" in the second, third, fourth, fifth and sixth lines, so that the section shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 330,  
amended

330. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

False  
statements,  
coercion,  
etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Insurance Amendment Act, 1968-69*.

Short title

An Act to amend The Insurance Act

*1st Reading*

March 11th, 1969

*2nd Reading*

*3rd Reading*

MR. SHULMAN

BILL 83

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Corporations Tax Act

MR. WHITE



#### EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment increases the rate of capital tax from one-twentieth of 1 per cent to one-tenth of 1 per cent calculated on taxable paid-up capital.

Subsection 2. In the new subsection 1*a*, except as otherwise provided, every corporation having a permanent establishment in Ontario shall pay a minimum paid-up capital tax of \$50.

Subsection 3. This amendment is consequent upon the repeal of section 12 and provides for the payment of the special taxes in addition to income tax.

Subsection 4. This amendment increases the rate upon which deductions from tax on paid-up capital may be made from one-twentieth of 1 per cent to one-tenth of 1 per cent of taxable paid-up capital used outside Ontario and complements the general rate increase in capital tax.

## An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1—(1) Subsection 1 of section 5 of *The Corporations Tax Act* is amended by striking out “one-twentieth” in the third and fourth lines and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 1,  
amended

(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-tenth of 1 per cent calculated on its taxable paid-up capital.

Rate of  
general  
capital tax

(2) The said section 5 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 73, s. 5,  
amended

(1a) Notwithstanding subsection 3, the tax payable under this section shall in no case be less than \$50 except as provided in subsection 17.

Minimum  
tax

(3) Subsection 2 of the said section 5 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 2,  
re-enacted

(2) The tax imposed by this section is not payable by any corporation that is liable to a tax under section 7, 8, 9, 10, 11 or 13.

Exceptions

(4) Subsection 3 of the said section 5 is amended by striking out “one-twentieth” in the third line and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 3,  
amended

(3) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to one-tenth of 1 per

Deductions  
from tax on  
paid-up  
capital,  
allocation  
of taxable  
paid-up  
capital



cent of that portion of the taxable paid-up capital which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario.

R.S.O. 1960,  
c. 73, s. 5,  
subs. 17,  
re-enacted

(5) Subsection 17 of the said section 5 is repealed and the following substituted therefor:

Idem

(17) Except as provided in section 58, every corporation referred to in clauses *b, c, d, e, ea, f, g, h, j, k, o* and *p* of subsection 37 of section 4 shall, in lieu of the taxes payable under subsections 1 and 1a, pay a tax of \$5.

Idem

(18) Every corporation referred to in clauses *a, i, l* and *m* of subsection 37 of section 4, subsection 1 of section 45, and including a co-operative corporation shall, in lieu of the tax payable under subsection 1, pay a tax of \$50.

R.S.O. 1960,  
c. 73, s. 6,  
repealed

2. Section 6 of *The Corporations Tax Act*, as amended by section 4 of *The Corporations Tax Amendment Act, 1961-62* and section 5 of *The Corporations Tax Amendment Act, 1968*, is repealed.

R.S.O. 1960,  
c. 73, s. 12,  
repealed

3. Section 12 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,  
c. 73, s. 42,  
subs. 1,  
amended

4. Subsection 1 of section 42 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Personal  
corporations  
exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a personal corporation.

R.S.O. 1960,  
c. 73, s. 45,  
subs. 1,  
amended

5. Subsection 1 of section 45 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Non-  
resident-  
owned  
investment  
corpora-  
tions, tax  
exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a non-resident-owned investment corporation.

R.S.O. 1960,  
c. 73, s. 46,  
subs. 1,  
re-enacted

6. Subsection 1 of section 46 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Foreign  
business  
corpora-  
tions, tax  
exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a foreign business corporation.

R.S.O. 1960,  
c. 73, s. 48,  
subs. 4,  
repealed

7. Subsection 4 of section 48 of *The Corporations Tax Act* is repealed.



Subsection 5. The new subsection 17 incorporates a provision previously contained in section 6, which is now being repealed. In the new subsection 18, the corporations referred to previously paid a place of business tax of between \$20 to \$50. They will now be required to pay a flat rate of \$50.

SECTION 2. Section 6 of the Act is repealed so that the tax on places of business formerly levied under that section no longer applies.

SECTION 3. Section 12 is repealed thereby removing the deductibility of income tax from capital tax and the special taxes payable by certain corporations.

SECTION 4. This amendment is consequent upon the repeal of section 6 and the amendment to section 5 whereby a personal corporation becomes liable to a tax of \$50 under that section and is removed from liability under section 6 by virtue of its repeal.

SECTIONS 5, 6 AND 7. Complementary to section 4.

SECTION 8. This amendment is consequent upon the repeal of section 6 and the amendment to section 5 whereby certain corporations became liable to a tax of \$5 or \$50, as the case may be, under that section and are removed from liability under section 6 by virtue of its repeal.

SECTION 9. These amendments add subsection 2a to section 74 to provide that a corporation whose fiscal year commenced after the 15th day of March, 1969, must, with respect to that fiscal year, commence payment of its tax in six equal instalments, the first of which is due in the third month of the fiscal year in respect of which the tax is payable and the remaining instalments are payable at regular two-month intervals thereafter. The amendment also adds subsections 4 and 5 to section 74 the purpose of which is to require a corporation to pay the capital tax or other special taxes that became payable by virtue of the repeal of section 12 in full on or before the day on which its fourth quarterly instalment becomes payable for the fiscal year preceding the fiscal year for which it is required to commence bi-monthly instalment payments. Subsection 3 of section 74 is re-enacted to include a reference to the provision of the section whereby corporations are required to pay taxes in bi-monthly instalments.

8. Subsection 1 of section 58 of *The Corporations Tax Act* <sup>R.S.O. 1960, c. 73, s. 58, subs. 1, amended</sup> is amended by striking out "subsection 17 of section 5" in the second and third lines and by striking out "8 of section 6" in the third and fourth lines and inserting in lieu thereof "17 of section 5", so that the subsection shall read as follows:

- (1) Where a corporation to which the exemptions provided by subsection 37 of section 4 and the specially reduced tax provided by subsection 17 of section 5 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax do not apply. <sup>Application of Act to certain corporations</sup>

9.—(1) Section 74 of *The Corporations Tax Act*, as amended <sup>R.S.O. 1960, c. 73, s. 74, amended</sup> by section 9 of *The Corporations Tax Amendment Act, 1967* and section 36 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (2a) Notwithstanding subsection 2, every corporation on which a tax is imposed by this Act, the fiscal year of which commenced after the 15th day of March, 1969, shall pay to the Treasurer of Ontario, <sup>Dates of payment</sup>
- (a) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the taxation year on,
- (i) its estimated taxable income and other subject of tax for the fiscal year, or
- (ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and
- (b) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 3 of the said section 74 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 73, s. 74, subs. 3, re-enacted</sup>

Special  
cases

- (3) Notwithstanding subsections 2 and 2a and subject to subsection 7 of section 75, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than \$81, the corporation may, instead of paying the instalments required by subsection 2 or 2a, pay such tax on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable.

R.S.O. 1960,  
c. 73, s. 74,  
amended

- (3) The said section 74 is further amended by adding thereto the following subsections:

Idem

- (4) Notwithstanding subsection 2, every corporation, except those corporations to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the capital tax remaining unpaid as imposed by this Act based on a rate of one-tenth of 1 per cent of the taxable paid-up capital as it stood at the close of such fiscal year.

Idem

- (5) Notwithstanding subsection 2, every corporation to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the taxes payable under those sections remaining unpaid, determined on the amount of mileage or other subject referred to in the said sections in respect of which the amount of tax is to be ascertained as such mileage or other subject of tax stood at the close of such fiscal year.

R.S.O. 1960,  
c. 73, s. 75,  
subs. 1,  
amended

**10.**—(1) Subsection 1 of section 75 of *The Corporations Tax Act*, as amended by subsection 1 of section 37 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “the rate of 9 per cent per annum” in the eighth line and in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the subsection shall read as follows:

SECTION 10—Subsection 1. Subsection 1 of section 75 is amended by substituting “such rate as is prescribed by the regulations” for “the rate of 9 per cent per annum”, to permit the rate of interest to be applied under the subsection to be prescribed by the regulations.

Subsection 2. Subsection 2 of section 75 is re-enacted by including a reference to subsections 2a, 4 and 5 of section 74 by virtue of the addition of those subsections to section 74 and by substituting "such rate as is prescribed by the regulations" for "9 per cent per annum", to permit the rate of interest to be applied under subsections 2, 2a, 4 and 5 to be prescribed by the regulations.

SECTION 11—Subsection 1. Subsection 3 of section 78 is amended by substituting "such rate as is prescribed by the regulations" for "the rate of 4 per cent per annum", to permit the rate of interest allowed under the subsection to be prescribed by the regulations.

Subsection 2. Subsection 4 of section 78 is amended by substituting "such rate as is prescribed by the regulations" for "7 per cent instead of at 4 per cent", to permit the rate of interest allowed under the subsection to be prescribed by the regulations.



- (1) Where the amount paid on account of tax payable by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation under section 71 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at such rate as is prescribed by the regulations. <sup>Interest on unpaid tax</sup>

(2) Subsection 2 of the said section 75, as amended by subsection 2 of section 37 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 73, s. 75, subs. 2, re-enacted</sup>

- (2) Where a corporation is required by subsection 2, 2a, 4 or 5 of section 74 to pay a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier. <sup>Idem</sup>

**11.—**(1) Subsection 3 of section 78 of *The Corporations Tax Act*, as amended by subsection 3 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “the rate of 4 per cent per annum” in the third line and in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the first five lines of the subsection shall read as follows: <sup>R.S.O. 1960, c. 73, s. 78, subs. 3, amended</sup>

- (3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the latest of, <sup>Interest on over-payments</sup>

(2) Subsection 4 of the said section 78, as amended by subsection 4 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “7 per cent instead of at 4 per cent” in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 73, s. 78, subs. 4, amended</sup>

Idem

- (4) Where by a decision of the Minister under section 79 or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 76 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at such rate as is prescribed by the regulations.

R.S.O. 1960,  
c. 73, s. 99,  
amended

**12.** Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following clause:

- (f) prescribing rates of interest for the purposes of Part V.

R.S.O. 1960,  
c. 73, s. 100,  
repealed

**13.** Section 100 of *The Corporations Tax Act* is repealed.

Application  
of Act

**14.**—(1) Sections 1, 2, 3, 4, 5, 6, 7 and 8 apply with respect to fiscal years ending on or after the 15th day of March, 1969.

Idem

(2) Subsection 2 of section 9 applies with respect to fiscal years commencing after the 15th day of March, 1969.

Idem

(3) Subsection 2 of section 10 with respect to the reference to subsection 2a applies to fiscal years commencing after the 15th day of March, 1969, and with respect to the reference to subsections 4 and 5 applies to fiscal years commencing before the 15th day of March, 1969, and ending on or after the 15th day of March, 1969.

Commence-  
ment

**15.**—(1) This Act, except sections 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 10 and 11 come into force on the 15th day of April, 1969.

Short title

**16.** This Act may be cited as *The Corporations Tax Amendment Act, 1968-69*.



SECTION 12. Section 99 of the Act is amended by adding clause *f* thereto, to permit the rates of interest imposed or credit interest allowed under the Act to be prescribed by the regulations.

SECTION 13. Section 100 was a transitional provision enacted in 1967 to cover all corporations whose fiscal years did not coincide with the 1957 calendar year and is no longer required.





An Act to amend  
The Corporations Tax Act

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*1st Reading*

March 12th, 1969

*2nd Reading*

*3rd Reading*

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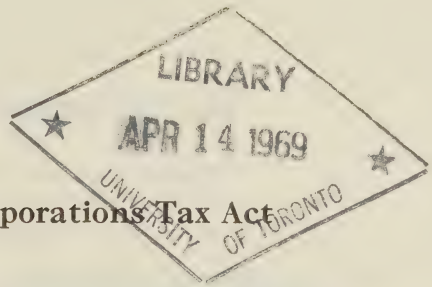
MR. WHITE

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**BILL 83**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Corporations Tax Act**

MR. WHITE

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment increases the rate of capital tax from one-twentieth of 1 per cent to one-tenth of 1 per cent calculated on taxable paid-up capital.

Subsection 2. In the new subsection 1*a*, except as otherwise provided, every corporation having a permanent establishment in Ontario shall pay a minimum paid-up capital tax of \$50.

Subsection 3. This amendment is consequent upon the repeal of section 12 and provides for the payment of the special taxes in addition to income tax.

Subsection 4. This amendment increases the rate upon which deductions from tax on paid-up capital may be made from one-twentieth of 1 per cent to one-tenth of 1 per cent of taxable paid-up capital used outside Ontario and complements the general rate increase in capital tax.

## An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1—(1) Subsection 1 of section 5 of *The Corporations Tax Act* is amended by striking out “one-twentieth” in the third and fourth lines and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 73, s. 5,  
subs. 1,  
amended

(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-tenth of 1 per cent calculated on its taxable paid-up capital. Rate of  
general  
capital tax

(2) The said section 5 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 73, s. 5,  
amended

(1a) Notwithstanding subsection 3, the tax payable under this section shall in no case be less than \$50 except as provided in subsection 17. Minimum  
tax

(3) Subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 5,  
subs. 2,  
re-enacted

(2) The tax imposed by this section is not payable by any corporation that is liable to a tax under section 7, 8, 9, 10, 11 or 13. Exceptions

(4) Subsection 3 of the said section 5 is amended by striking out “one-twentieth” in the third line and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 73, s. 5,  
subs. 3,  
amended

(3) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to one-tenth of 1 per Deductions  
from tax on  
paid-up  
capital,  
allocation  
of taxable  
paid-up  
capital

cent of that portion of the taxable paid-up capital which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario.

R.S.O. 1960, c. 73, s. 5, subs. 17, re-enacted (5) Subsection 17 of the said section 5 is repealed and the following substituted therefor:

Idem (17) Except as provided in section 58, every corporation referred to in clauses *b, c, d, e, ea, f, g, h, j, k, o* and *p* of subsection 37 of section 4 shall, in lieu of the taxes payable under subsections 1 and 1*a*, pay a tax of \$5.

Idem (18) Every corporation referred to in clauses *i, l* and *m* of subsection 37 of section 4 and subsection 1 of section 45 shall, in lieu of the tax payable under subsection 1, pay a tax of \$50.

R.S.O. 1960, c. 73, s. 6, repealed 2. Section 6 of *The Corporations Tax Act*, as amended by section 4 of *The Corporations Tax Amendment Act, 1961-62* and section 5 of *The Corporations Tax Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 73, s. 12, repealed 3. Section 12 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 42, subs. 1, amended 4. Subsection 1 of section 42 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Personal corporations exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a personal corporation.

R.S.O. 1960, c. 73, s. 45, subs. 1, amended 5. Subsection 1 of section 45 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Non-resident-owned investment corporations, tax exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a non-resident-owned investment corporation.

R.S.O. 1960, c. 73, s. 46, subs. 1, re-enacted 6. Subsection 1 of section 46 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Foreign business corporations, tax exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a foreign business corporation.

R.S.O. 1960, c. 73, s. 48, subs. 4, repealed 7. Subsection 4 of section 48 of *The Corporations Tax Act* is repealed.



Subsection 5. The new subsection 17 incorporates a provision previously contained in section 6, which is now being repealed. In the new subsection 18, the corporations referred to previously paid a place of business tax of between \$20 to \$50. They will now be required to pay a flat rate of \$50.

SECTION 2. Section 6 of the Act is repealed so that the tax on places of business formerly levied under that section no longer applies.

SECTION 3. Section 12 is repealed thereby removing the deductibility of income tax from capital tax and the special taxes payable by certain corporations.

SECTION 4. This amendment is consequent upon the repeal of section 6 and the amendment to section 5 whereby a personal corporation becomes liable to a tax of \$50 under that section and is removed from liability under section 6 by virtue of its repeal.

SECTIONS 5, 6 AND 7. Complementary to section 4.

SECTION 8. This amendment is consequent upon the repeal of section 6 and the amendment to section 5 whereby certain corporations became liable to a tax of \$5 or \$50, as the case may be, under that section and are removed from liability under section 6 by virtue of its repeal.

SECTION 9. These amendments add subsection 2a to section 74 to provide that a corporation whose fiscal year commenced after the 15th day of March, 1969, must, with respect to that fiscal year, commence payment of its tax in six equal instalments, the first of which is due in the third month of the fiscal year in respect of which the tax is payable and the remaining instalments are payable at regular two-month intervals thereafter. The amendment also adds subsections 4 and 5 to section 74 the purpose of which is to require a corporation to pay the capital tax or other special taxes that became payable by virtue of the repeal of section 12 in full on or before the day on which its fourth quarterly instalment becomes payable for the fiscal year preceding the fiscal year for which it is required to commence bi-monthly instalment payments. Subsection 3 of section 74 is re-enacted to include a reference to the provision of the section whereby corporations are required to pay taxes in bi-monthly instalments.

8. Subsection 1 of section 58 of *The Corporations Tax Act* R.S.O. 1960, c. 73, s. 58, subs. 1, amended is amended by striking out "subsection 17 of section 5" in the second and third lines and by striking out "8 of section 6" in the third and fourth lines and inserting in lieu thereof "17 of section 5", so that the subsection shall read as follows:

- (1) Where a corporation to which the exemptions provided by subsection 37 of section 4 and the specially reduced tax provided by subsection 17 of section 5 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax do not apply. Application of Act to certain corporations

9.—(1) Section 74 of *The Corporations Tax Act*, as amended R.S.O. 1960, c. 73, s. 74, amended by section 9 of *The Corporations Tax Amendment Act, 1967* and section 36 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (2a) Notwithstanding subsection 2, every corporation on which a tax is imposed by this Act, the fiscal year of which commenced after the 15th day of March, 1969, shall pay to the Treasurer of Ontario, Dates of payment

(a) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the taxation year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(b) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 3 of the said section 74 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 74, subs. 3, re-enacted

Special  
cases

- (3) Notwithstanding subsections 2 and 2a and subject to subsection 7 of section 75, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than \$300, the corporation may, instead of paying the instalments required by subsection 2 or 2a, pay such tax on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable.

R.S.O. 1960,  
c. 73, s. 74,  
amended

- (3) The said section 74 is further amended by adding thereto the following subsections:

Idem

- (4) Notwithstanding subsection 2, every corporation, except those corporations to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the capital tax remaining unpaid as imposed by this Act based on a rate of one-tenth of 1 per cent of the taxable paid-up capital as it stood at the close of such fiscal year.

Idem

- (5) Notwithstanding subsection 2, every corporation to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the taxes payable under those sections remaining unpaid, determined on the amount of mileage or other subject referred to in the said sections in respect of which the amount of tax is to be ascertained as such mileage or other subject of tax stood at the close of such fiscal year.

R.S.O. 1960,  
c. 73, s. 75,  
subs. 1,  
amended

**10.—**(1) Subsection 1 of section 75 of *The Corporations Tax Act*, as amended by subsection 1 of section 37 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "the rate of 9 per cent per annum" in the eighth line and in the amendment of 1968 and inserting in lieu thereof "such rate as is prescribed by the regulations", so that the subsection shall read as follows:

SECTION 10—Subsection 1. Subsection 1 of section 75 is amended by substituting “such rate as is prescribed by the regulations” for “the rate of 9 per cent per annum”, to permit the rate of interest to be applied under the subsection to be prescribed by the regulations.

Subsection 2. Subsection 2 of section 75 is re-enacted by including a reference to subsections 2a, 4 and 5 of section 74 by virtue of the addition of those subsections to section 74 and by substituting "such rate as is prescribed by the regulations" for "9 per cent per annum", to permit the rate of interest to be applied under subsections 2, 2a, 4 and 5 to be prescribed by the regulations.

SECTION 11—Subsection 1. Subsection 3 of section 78 is amended by substituting "such rate as is prescribed by the regulations" for "the rate of 4 per cent per annum", to permit the rate of interest allowed under the subsection to be prescribed by the regulations.

Subsection 2. Subsection 4 of section 78 is amended by substituting "such rate as is prescribed by the regulations" for "7 per cent instead of at 4 per cent", to permit the rate of interest allowed under the subsection to be prescribed by the regulations.



- (1) Where the amount paid on account of tax payable <sup>Interest on unpaid tax</sup> by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation under section 71 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at such rate as is prescribed by the regulations.

(2) Subsection 2 of the said section 75, as amended by <sup>R.S.O. 1960, c. 73, s. 75, subs. 2, re-enacted</sup> subsection 2 of section 37 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

- (2) Where a corporation is required by subsection 2, <sup>Idem</sup> 2a, 4 or 5 of section 74 to pay a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.

**11.**—(1) Subsection 3 of section 78 of *The Corporations Tax Act*, as amended by subsection 3 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “the rate of 4 per cent per annum” in the third line and in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the first five lines of the subsection shall read as follows: <sup>R.S.O. 1960, c. 73, s. 78, subs. 3, amended</sup>

- (3) Where an amount in respect of an overpayment is <sup>Interest on over-payments</sup> refunded or applied under this section on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the latest of,

. . . . .

(2) Subsection 4 of the said section 78, as amended by <sup>R.S.O. 1960, c. 73, s. 78, subs. 4, amended</sup> subsection 4 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “7 per cent instead of at 4 per cent” in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the subsection shall read as follows:

Idem

- (4) Where by a decision of the Minister under section 79 or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 76 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at such rate as is prescribed by the regulations.

R.S.O. 1960,  
c. 73, s. 99,  
amended

**12.** Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following clause:

- (f) prescribing rates of interest for the purposes of Part V.

R.S.O. 1960,  
c. 73, s. 100,  
repealed

**13.** Section 100 of *The Corporations Tax Act* is repealed.

Application  
of Act

**14.**—(1) Sections 1, 2, 3, 4, 5, 6, 7 and 8 apply with respect to fiscal years ending on or after the 15th day of March, 1969.

Idem

(2) Subsection 2 of section 9 applies with respect to fiscal years commencing after the 15th day of March, 1969.

Idem

(3) Subsection 2 of section 10 with respect to the reference to subsection 2a applies to fiscal years commencing after the 15th day of March, 1969, and with respect to the reference to subsections 4 and 5 applies to fiscal years commencing before the 15th day of March, 1969, and ending on or after the 15th day of March, 1969.

Commence-  
ment

**15.**—(1) This Act, except sections 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 10 and 11 come into force on the 15th day of April, 1969.

Short title

**16.** This Act may be cited as *The Corporations Tax Amendment Act, 1968-69*.



SECTION 12. Section 99 of the Act is amended by adding clause *f* thereto, to permit the rates of interest imposed or credit interest allowed under the Act to be prescribed by the regulations.

SECTION 13. Section 100 was a transitional provision enacted in 1967 to cover all corporations whose fiscal years did not coincide with the 1957 calendar year and is no longer required.

An Act to amend  
The Corporations Tax Act

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*1st Reading*

March 12th, 1969

*2nd Reading*

March 19th, 1969

*3rd Reading*

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MR. WHITE

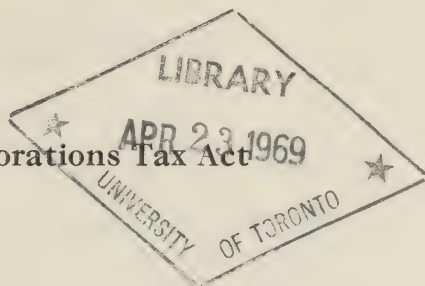
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(*Reprinted as amended by  
the Committee of the Whole House*)

**BILL 83**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Corporations Tax Act



MR. WHITE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 83

1968-69

## An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1—(1) Subsection 1 of section 5 of *The Corporations Tax Act* is amended by striking out “one-twentieth” in the third and fourth lines and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 1,  
amended

(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-tenth of 1 per cent calculated on its taxable paid-up capital.

Rate of  
general  
capital tax

(2) The said section 5 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 73, s. 5,  
amended

(1a) Notwithstanding subsection 3, the tax payable under this section shall in no case be less than \$50 except as provided in subsection 17.

Minimum  
tax

(3) Subsection 2 of the said section 5 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 2,  
re-enacted

(2) The tax imposed by this section is not payable by any corporation that is liable to a tax under section 7, 8, 9, 10, 11 or 13.

Exceptions

(4) Subsection 3 of the said section 5 is amended by striking out “one-twentieth” in the third line and inserting in lieu thereof “one-tenth”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 5,  
subs. 3,  
amended

(3) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to one-tenth of 1 per

Deductions  
from tax on  
paid-up  
capital,  
allocation  
of taxable  
paid-up  
capital

cent of that portion of the taxable paid-up capital which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario.

R.S.O. 1960, c. 73, s. 5, subs. 17, re-enacted (5) Subsection 17 of the said section 5 is repealed and the following substituted therefor:

Idem (17) Except as provided in section 58, every corporation referred to in clauses *b, c, d, e, ea, f, g, h, j, k, o* and *p* of subsection 37 of section 4 shall, in lieu of the taxes payable under subsections 1 and 1*a*, pay a tax of \$5.

Idem (18) Every corporation referred to in clauses *i, l* and *m* of subsection 37 of section 4 and subsection 1 of section 45 shall, in lieu of the tax payable under subsection 1, pay a tax of \$50.

R.S.O. 1960, c. 73, s. 6, repealed **2.** Section 6 of *The Corporations Tax Act*, as amended by section 4 of *The Corporations Tax Amendment Act, 1961-62* and section 5 of *The Corporations Tax Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 73, s. 12, repealed **3.** Section 12 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 42, subs. 1, amended **4.** Subsection 1 of section 42 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Personal corporations exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a personal corporation.

R.S.O. 1960, c. 73, s. 45, subs. 1, amended **5.** Subsection 1 of section 45 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Non-resident-owned investment corporations, tax exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a non-resident-owned investment corporation.

R.S.O. 1960, c. 73, s. 46, subs. 1, re-enacted **6.** Subsection 1 of section 46 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Foreign business corporations, tax exempt (1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a foreign business corporation.

R.S.O. 1960, c. 73, s. 48, subs. 4, repealed **7.** Subsection 4 of section 48 of *The Corporations Tax Act* is repealed.

8. Subsection 1 of section 58 of *The Corporations Tax Act* <sup>R.S.O. 1960, c. 73, s. 58, subs. 1, amended</sup> is amended by striking out "subsection 17 of section 5" in the second and third lines and by striking out "8 of section 6" in the third and fourth lines and inserting in lieu thereof "17 of section 5", so that the subsection shall read as follows:

- (1) Where a corporation to which the exemptions provided by subsection 37 of section 4 and the specially reduced tax provided by subsection 17 of section 5 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax do not apply. <sup>Application of Act to certain corporations</sup>

9.—(1) Section 74 of *The Corporations Tax Act*, as amended <sup>R.S.O. 1960, c. 73, s. 74, amended</sup> by section 9 of *The Corporations Tax Amendment Act, 1967* and section 36 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (2a) Notwithstanding subsection 2, every corporation on <sup>Dates of payment</sup> which a tax is imposed by this Act, the fiscal year of which commenced after the 15th day of March, 1969, shall pay to the Treasurer of Ontario,
- (a) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the taxation year on,
- (i) its estimated taxable income and other subject of tax for the fiscal year, or
- (ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and
- (b) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 3 of the said section 74 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 73, s. 74, subs. 3, re-enacted</sup>



Special  
cases

- (3) Notwithstanding subsections 2 and 2a and subject to subsection 7 of section 75, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than \$300, the corporation may, instead of paying the instalments required by subsection 2 or 2a, pay such tax on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable.

R.S.O. 1960,  
c. 73, s. 74,  
amended

- (3) The said section 74 is further amended by adding thereto the following subsections:

Idem

- (4) Notwithstanding subsection 2, every corporation, except those corporations to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the capital tax remaining unpaid as imposed by this Act based on a rate of one-tenth of 1 per cent of the taxable paid-up capital as it stood at the close of such fiscal year.

Idem

- (5) Notwithstanding subsection 2, every corporation to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the taxes payable under those sections remaining unpaid, determined on the amount of mileage or other subject referred to in the said sections in respect of which the amount of tax is to be ascertained as such mileage or other subject of tax stood at the close of such fiscal year.

R.S.O. 1960,  
c. 73, s. 75,  
subs. 1,  
amended

- 10.**—(1) Subsection 1 of section 75 of *The Corporations Tax Act*, as amended by subsection 1 of section 37 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “the rate of 9 per cent per annum” in the eighth line and in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the subsection shall read as follows:



- (1) Where the amount paid on account of tax payable by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation under section 71 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at such rate as is prescribed by the regulations. Interest on unpaid tax
- (2) Subsection 2 of the said section 75, as amended by subsection 2 of section 37 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 75, subs. 2, re-enacted
- (2) Where a corporation is required by subsection 2, Idem 2a, 4 or 5 of section 74 to pay a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.
- 11.**—(1) Subsection 3 of section 78 of *The Corporations Tax Act*, as amended by subsection 3 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “the rate of 4 per cent per annum” in the third line and in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the first five lines of the subsection shall read as follows: R.S.O. 1960, c. 73, s. 78, subs. 3, amended
- (3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the latest of, Interest on over-payments

. . . . .

- (2) Subsection 4 of the said section 78, as amended by subsection 4 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out “7 per cent instead of at 4 per cent” in the amendment of 1968 and inserting in lieu thereof “such rate as is prescribed by the regulations”, so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 78, subs. 4, amended

Idem

- (4) Where by a decision of the Minister under section 79 or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 76 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at such rate as is prescribed by the regulations.

R.S.O. 1960,  
c. 73, s. 99,  
amended

**12.** Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following clause:

- (f) prescribing rates of interest for the purposes of Part V.

R.S.O. 1960,  
c. 73, s. 100,  
repealed

**13.** Section 100 of *The Corporations Tax Act* is repealed.

Application  
of Act

**14.**—(1) Sections 1, 2, 3, 4, 5, 6, 7 and 8 apply with respect to fiscal years ending on or after the 15th day of March, 1969.

Idem

(2) Subsection 2 of section 9 applies with respect to fiscal years commencing after the 15th day of March, 1969.

Idem

(3) Subsection 2 of section 10 with respect to the reference to subsection 2a applies to fiscal years commencing after the 15th day of March, 1969, and with respect to the reference to subsections 4 and 5 applies to fiscal years commencing before the 15th day of March, 1969, and ending on or after the 15th day of March, 1969.

Commence-  
ment

**15.**—(1) This Act, except sections 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 10 and 11 come into force on the 15th day of April, 1969.

Short title

**16.** This Act may be cited as *The Corporations Tax Amendment Act, 1968-69*.







An Act to amend  
The Corporations Tax Act

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*1st Reading*

March 12th, 1969

*2nd Reading*

March 19th, 1969

*3rd Reading*

April 1st, 1969

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MR. WHITE

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**BILL 84**

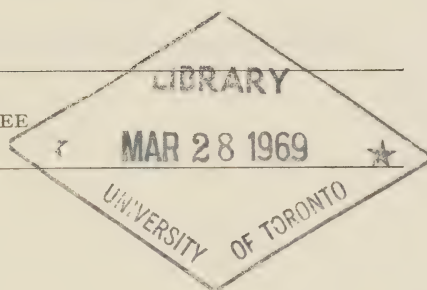
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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to repeal The Public Finance Companies'  
Investments Act, 1966**

Mr. ROWNTREE



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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER.

#### EXPLANATORY NOTE

The Act to be repealed requires companies raising money from the public for investment to furnish certain information to the Registrar under *The Loan and Trust Corporations Act*. The necessary information is now furnished under *The Securities Act, 1966*.



BILL 84

1968-69

**An Act to repeal The Public Finance  
Companies' Investments Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Finance Companies' Investments Act, 1966* <sup>1966, c. 124,  
repealed</sup> is repealed.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Public Finance Companies' Investments Repeal Act, 1968-69*. <sup>Short title</sup>

An Act to repeal The Public Finance  
Companies' Investments Act, 1966

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*1st Reading*

March 13th, 1969

*2nd Reading*

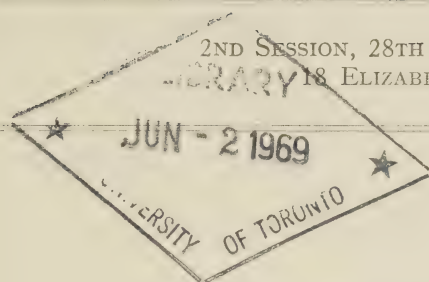
*3rd Reading*

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MR. ROWNTREE

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## BILL 84



An Act to repeal The Public Finance Companies'  
Investments Act, 1966

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 84

1968-69

**An Act to repeal The Public Finance  
Companies' Investments Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Public Finance Companies' Investments Act, 1966* <sup>1966, c. 124,  
repealed</sup> is repealed.
- 2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.
- 3.** This Act may be cited as *The Public Finance Companies' Investments Repeal Act, 1968-69*. <sup>Short title</sup>

An Act to repeal The Public Finance  
Companies' Investments Act, 1966

*1st Reading*

March 13th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

May 7th, 1969

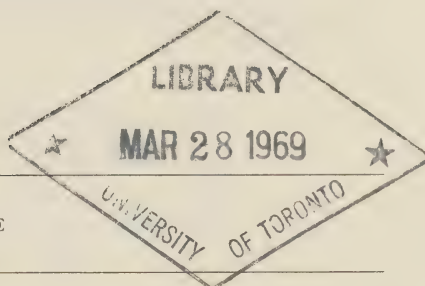
MR. ROWNTREE

**BILL 85**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Credit Unions Act**

MR. ROWNTREE



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The amendment prohibits a corporation from becoming a member of a credit union unless a majority of the members or holders of voting shares are also members of the credit union.

SECTION 2. The provision for designating beneficiaries is deleted. The provision for paying money on deposit directly to the beneficiaries of a deceased member is amended to increase the maximum to \$1,250 and to include payment for shares.



## An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 23, re-enacted

23.—(1) A corporation may become a member of a credit union where, Corporate members

(a) in the case of a corporation having share capital, the persons holding equity shares carrying at least 51 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding are members of that credit union;

(b) in the case of a corporation without share capital, at least 51 per cent of the members of the corporation are members of that credit union.

(2) A credit union shall not make a loan to a member that is a corporation unless the loan is approved by a joint meeting of the board of directors, the credit committee and the supervisory committee of the credit union. Loans to corporate members

2.—(1) Sections 40 and 41 of *The Credit Unions Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 40, re-enacted; s. 41, repealed

40.—(1) Where a member of a credit union dies, the directors may pay, Payment of moneys re deceased member

(a) an amount not exceeding \$1,250 out of the amount on deposit in the name of the deceased or for the shares of the deceased; and

- (b) an amount not exceeding \$1,250 out of any money that is received by the credit union under any policy of insurance on the life of the deceased,

to any person who the directors are satisfied, by statutory declaration attested to not sooner than thirty days after the death, is entitled.

Effect of  
payment

- (2) A payment made under subsection 1 discharges any obligation of the credit union or its directors in respect of the money paid but does not affect the right of any other person claiming to be entitled to recover such money from the person to whom it was paid.

Deposits or  
shares in  
trust

- (3) Where a member of a credit union dies holding shares or money on deposit in his name in trust for a named beneficiary, the credit union may pay the amount of such shares or deposit to the executor or administrator of the estate of the deceased member, subject to the trusts or, where there is no executor or administrator, to the beneficiary or, where the beneficiary is an infant, to his parent or guardian.

Application  
R.S.O. 1960,  
c. 79

- (2) The repeal of section 40 of *The Credit Unions Act* by subsection 1 shall not be construed to invalidate any nomination made under that section before this section comes into force.

R.S.O. 1960,  
c. 79, s. 53,  
subs. 6,  
re-enacted

- 3.** Subsection 6 of section 53 of *The Credit Unions Act* is repealed and the following substituted therefor:

Assessment  
of members  
for league

- (6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each of its members of an amount fixed by the by-law, which amount shall be paid to the league to assist in its financing.

R.S.O. 1960,  
c. 79, s. 59,  
amended

- 4.** Section 59 of *The Credit Unions Act* is amended by adding thereto the following subsection:

Failure to  
file annual  
statement

- (4) Notwithstanding subsections 2 and 3, any credit union that is in default of filing the annual statement required by section 49 is liable on summary conviction to a fine of not more than \$5 for each day such default continues.

SECTION 3. The amendment removes the maximum on the amount that can be levied by a credit union for payment to a credit union league.

SECTION 4. The amendment provides a maximum fine for failure to file annual statements of \$5 for each day the statement is overdue.



**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Credit Unions Amendment* <sup>Short title</sup>  
*Act, 1968-69.*

An Act to amend The Credit Unions Act

*1st Reading*

March 13th, 1969

*2nd Reading*

*3rd Reading*

MR. ROWNTREE

## BILL 85

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Credit Unions Act

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MR. ROWNTREE

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BILL 85

1968-69

## An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 79, s. 23,  
re-enacted

23.—(1) A corporation may become a member of a credit union where, Corporate  
members

(a) in the case of a corporation having share capital, the persons holding equity shares carrying at least 51 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding are members of that credit union;

(b) in the case of a corporation without share capital, at least 51 per cent of the members of the corporation are members of that credit union.

(2) A credit union shall not make a loan to a member that is a corporation unless the loan is approved by a joint meeting of the board of directors, the credit committee and the supervisory committee of the credit union. Loans to  
corporate  
members

2.—(1) Sections 40 and 41 of *The Credit Unions Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 79, s. 40,  
re-enacted;  
s. 41,  
repealed

40.—(1) Where a member of a credit union dies, the directors may pay, Payment  
of moneys  
re deceased  
member

(a) an amount not exceeding \$1,250 out of the amount on deposit in the name of the deceased or for the shares of the deceased; and

- (b) an amount not exceeding \$1,250 out of any money that is received by the credit union under any policy of insurance on the life of the deceased,

to any person who the directors are satisfied, by statutory declaration attested to not sooner than thirty days after the death, is entitled.

Effect of  
payment

- (2) A payment made under subsection 1 discharges any obligation of the credit union or its directors in respect of the money paid but does not affect the right of any other person claiming to be entitled to recover such money from the person to whom it was paid.

Deposits or  
shares in  
trust

- (3) Where a member of a credit union dies holding shares or money on deposit in his name in trust for a named beneficiary, the credit union may pay the amount of such shares or deposit to the executor or administrator of the estate of the deceased member, subject to the trusts or, where there is no executor or administrator, to the beneficiary or, where the beneficiary is an infant, to his parent or guardian.

Application  
R.S.O. 1960,  
c. 79

- (2) The repeal of section 40 of *The Credit Unions Act* by subsection 1 shall not be construed to invalidate any nomination made under that section before this section comes into force.

R.S.O. 1960,  
c. 79, s. 53,  
subs. 6,  
re-enacted

3. Subsection 6 of section 53 of *The Credit Unions Act* is repealed and the following substituted therefor:

Assessment  
of members  
for league

- (6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each of its members of an amount fixed by the by-law, which amount shall be paid to the league to assist in its financing.

R.S.O. 1960,  
c. 79, s. 59,  
amended

4. Section 59 of *The Credit Unions Act* is amended by adding thereto the following subsection:

Failure to  
file annual  
statement

- (4) Notwithstanding subsections 2 and 3, any credit union that is in default of filing the annual statement required by section 49 is liable on summary conviction to a fine of not more than \$5 for each day such default continues.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sup>ment</sup>

**6.** This Act may be cited as *The Credit Unions Amendment* <sup>Short title</sup>  
*Act, 1968-69.*





An Act to amend The Credit Unions Act

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*1st Reading*

March 13th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

May 7th, 1969

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MR. ROWNTREE

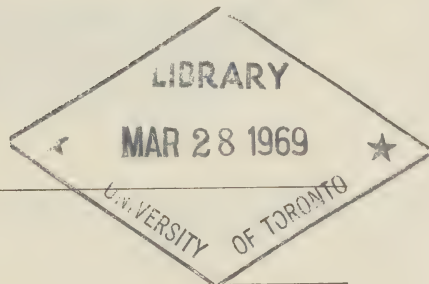
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## BILL 86

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Loan and Trust Corporations Act

Mr. ROWNTREE



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendment deletes the requirement that 90 per cent of the permanent capital stock must be subscribed and paid in before a by-law to increase the permanent capital stock can be passed. The requirements for approval of such a by-law by the shareholders and the Lieutenant Governor in Council are retained.



BILL 86

1968-69

## An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 58 of *The Loan and Trust Corporations Act* is amended by striking out "at any time after 90 per cent of its permanent capital stock has been subscribed and 90 per cent thereof paid in, but not sooner" in the second, third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 222, s. 58,  
subs. 1,  
amended

(1) The directors of any provincial corporation may by by-law provide for the increase of its permanent capital stock to an amount that the directors consider requisite.

Increase of  
permanent  
capital  
stock

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1968-69*.

Short title

An Act to amend  
The Loan and Trust Corporations Act

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*1st Reading*

March 13th, 1969

*2nd Reading*

*3rd Reading*

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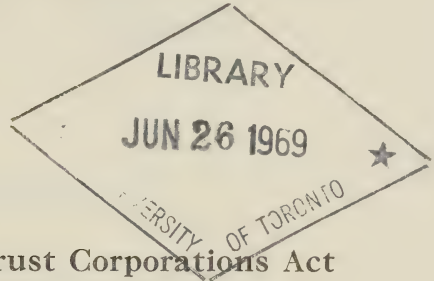
Mr. ROWNTREE

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BILL 86

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Loan and Trust Corporations Act

MR. ROWNTREE



BILL 86

1968-69

**An Act to amend  
The Loan and Trust Corporations Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 58 of *The Loan and Trust Corporations Act* is amended by striking out "at any time after 90 per cent of its permanent capital stock has been subscribed and 90 per cent thereof paid in, but not sooner" in the second, third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 222, s. 58,  
subs. 1,  
amended

(1) The directors of any provincial corporation may by by-law provide for the increase of its permanent capital stock to an amount that the directors consider requisite.

Increase of  
permanent  
capital  
stock

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1968-69*.

Short title

An Act to amend  
The Loan and Trust Corporations Act

---

*1st Reading*

March 13th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

May 7th, 1969

---

MR. ROWNTREE

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**BILL 87**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Ontario Producers, Processors,  
Distributors and Consumers Food Council Act, 1962-63**

MR. STEWART

EXPLANATORY NOTE

Self-explanatory.



BILL 87

1968-69

**An Act to amend The Ontario Producers,  
Processors, Distributors and Consumers  
Food Council Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 2 of *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*, is amended by inserting after "such" in the first line "remuneration and", so that the subsection shall read as follows:

- (6) The members of the Food Council shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Amendment Act, 1968-69*.

An Act to amend The Ontario Producers,  
Processors, Distributors and Consumers  
Food Council Act, 1962-63

---

*1st Reading*

March 13th, 1969

*2nd Reading*

*3rd Reading*

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MR. STEWART

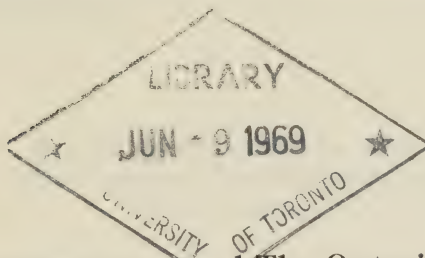
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## BILL 87

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Ontario Producers, Processors,  
Distributors and Consumers Food Council Act, 1962-63**

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MR. STEWART

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BILL 87

1968-69

**An Act to amend The Ontario Producers,  
Processors, Distributors and Consumers  
Food Council Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 2 of *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*, is amended by inserting after "such" in the first line "remuneration and", so that the subsection shall read as follows:

(6) The members of the Food Council shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Amendment Act, 1968-69*.

An Act to amend The Ontario Producers,  
Processors, Distributors and Consumers  
Food Council Act, 1962-63

---

*1st Reading*

March 13th, 1969

*2nd Reading*

April 28th, 1969

*3rd Reading*

May 7th, 1969

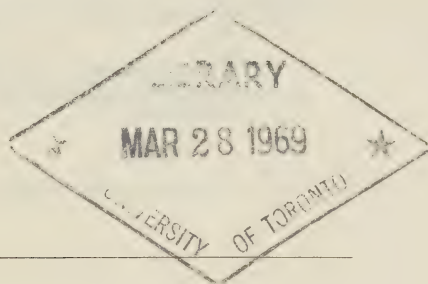
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MR. STEWART

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**BILL 88**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Municipal Act**

MR. YOUNG

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The deletion of the clause would permit officers and employees of a municipal corporation to be elected as members of the council of the corporation.



BILL 88

1968-69

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 35 of *The Municipal Act* is repealed. R.S.O. 1960,  
c. 249, s. 35,  
subs. 1,  
cl. *e*,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Municipal Amendment Act, 1968-69*. Short title

An Act to amend The Municipal Act

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*1st Reading*

March 13th, 1969

*2nd Reading*

*3rd Reading*

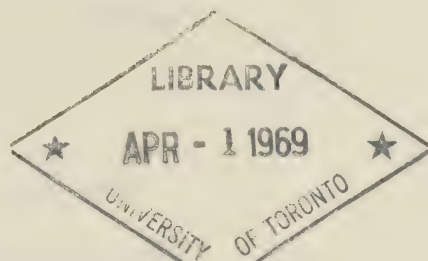
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MR. YOUNG

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**BILL 89**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Conservation Authorities Act, 1968**

MR. SIMONETT

**TORONTO**

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that the Act applies to an improvement district.

SECTION 2. Self-explanatory.

BILL 89

1968-69

## An Act to amend The Conservation Authorities Act, 1968

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Conservation Authorities Act, 1968* is amended by striking out "or township" in the first and second lines and inserting in lieu thereof "township or improvement district", so that the clause shall read as follows:

(*h*) "municipality" means a city, town, village, township or improvement district, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act.

2. *The Conservation Authorities Act, 1968* is amended by adding thereto the following section:

3a.—(1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,

(*a*) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for such purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

(*b*) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction

of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.

Present  
members  
when  
regional  
municipality  
established

- (2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality.

Ottawa-  
Carleton

- (3) For the purposes of subsections 1 and 2, The Regional Municipality of Ottawa-Carleton shall be deemed to have been established on the 31st day of December, 1969.

1968, c. 15,  
s. 26, subs. 1,  
cl. b,  
amended

- 3.** Clause *b* of subsection 1 of section 26 of *The Conservation Authorities Act, 1968* is amended by striking out "restricting and" in the first line and inserting in lieu thereof "prohibiting or", so that the clause shall read as follows:

- (b) prohibiting or regulating the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse.

Commence-  
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Conservation Authorities Amendment Act, 1968-69*.

SECTION 3. The amendment substitutes the word "prohibiting" for "restricting" in relation to the power to make regulations as set out in clause *b*.







An Act to amend  
The Conservation Authorities Act, 1968

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*1st Reading*

March 18th, 1969

*2nd Reading*

*3rd Reading*

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MR. SIMONETT

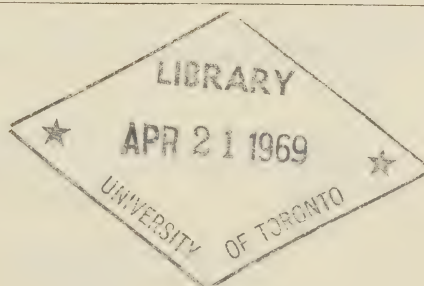
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## BILL 89

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Conservation Authorities Act, 1968

MR. SIMONETT



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 89

1968-69

**An Act to amend  
The Conservation Authorities Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *h* of section 1 of *The Conservation Authorities Act, 1968* is amended by striking out "or township" in the first and second lines and inserting in lieu thereof "township or improvement district", so that the clause shall read as follows:

(*h*) "municipality" means a city, town, village, township or improvement district, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act.

**2.** *The Conservation Authorities Act, 1968* is amended by adding thereto the following section:

**3a.—**(1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,

(*a*) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for such purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

(*b*) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction

of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.

Present  
members  
when  
regional  
municipality  
established

- (2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality.

Ottawa-  
Carleton

- (3) For the purposes of subsections 1 and 2, The Regional Municipality of Ottawa-Carleton shall be deemed to have been established on the 31st day of December, 1969.

1968, c. 15,  
s. 26, subs. 1,  
cl. b,  
amended

**3.** Clause *b* of subsection 1 of section 26 of *The Conservation Authorities Act, 1968* is amended by striking out "restricting and" in the first line and inserting in lieu thereof "prohibiting or", so that the clause shall read as follows:

- (*b*) prohibiting or regulating the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Conservation Authorities Amendment Act, 1968-69*.









An Act to amend  
The Conservation Authorities Act, 1968

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*1st Reading*

March 18th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

April 1st, 1969

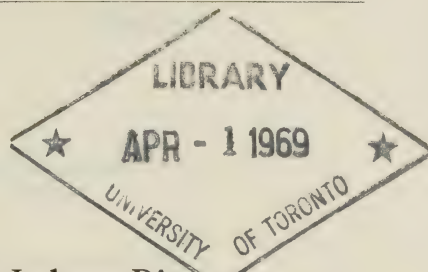
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MR. SIMONETT

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BILL 90

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Hospital Labour Disputes  
Arbitration Act, 1965**

MR. BALES

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. These amendments expressly extend the scope of the Act to cover nursing homes and homes for the aged.

Subsection 2. This new provision is designed to ensure that a laundry, power plant, etc., that services more than one hospital and nothing else, is covered by the Act.

SECTION 2. The provision is obsolete. It is therefore repealed.

SECTIONS 3 AND 4. These amendments are designed to expedite the arbitration procedures under the Act.

BILL 90

1968-69

## An Act to amend The Hospital Labour Disputes Arbitration Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by inserting after “sanatorium” in the first and second lines “nursing home” and by adding at the end thereof “and includes a home for the aged”, so that the clause shall read as follows:

- (a) “hospital” means any hospital, sanitarium, sanatorium, nursing home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain, and includes a home for the aged.

(2) The said section 1 is amended by adding thereto the following subsection:

- (3) A central laundry or a central heating plant or a central power plant that is operated exclusively for more than one hospital shall be deemed to be a hospital for the purposes of this Act.

2. Subsection 3 of section 2 of *The Hospital Labour Disputes Arbitration Act, 1965* is repealed.

3.—(1) Subsection 1 of section 4 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by striking out “thirty-five” in the second line and inserting in lieu thereof “seven”, so that the subsection shall read as follows:

## Arbitration

- (1) Subject to subsection 2, if the parties have not made a collective agreement within seven days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

1965, c. 48,  
s. 4, subs. 2,  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out "thirty-five" in the second line and inserting in lieu thereof "seven" and by striking out "ninety" in the fourth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Extension  
of 7-day  
period

- (2) The parties by agreement in writing may extend the period of seven days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of thirty days, and thereafter any further extension may be made only with the consent of the Minister.

1965, c. 48,  
s. 5, subs. 1,  
amended

- 4.** Subsection 1 of section 5 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by striking out "thirty-five" in the first line and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Board of  
arbitration,  
appoint-  
ment of  
members  
representing  
parties

- (1) Within seven days after the period of seven days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1968-69*.









An Act to amend  
The Hospital Labour Disputes  
Arbitration Act, 1965

---

*1st Reading*

March 18th, 1969

*2nd Reading*

*3rd Reading*

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MR. BATES

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## BILL 90

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Hospital Labour Disputes  
Arbitration Act, 1965



MR. BALES

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 90

1968-69

## An Act to amend The Hospital Labour Disputes Arbitration Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by inserting <sup>1965, c. 48, s. 1, subs. 1,</sup> after “sanatorium” in the first and second lines “nursing <sup>cl. *a*, amended</sup> home” and by adding at the end thereof “and includes a home for the aged”, so that the clause shall read as follows:

(a) “hospital” means any hospital, sanitarium, sanatorium, nursing home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain, and includes a home for the aged.

(2) The said section 1 is amended by adding thereto the <sup>1965, c. 48, s. 1, amended</sup> following subsection:

(3) A central laundry or a central heating plant or a <sup>Laundries, heating plants and power plants</sup> central power plant that is operated exclusively for more than one hospital shall be deemed to be a hospital for the purposes of this Act.

**2.** Subsection 3 of section 2 of *The Hospital Labour Dis-* <sup>1965, c. 48, s. 2, subs. 3, repealed</sup> *putes Arbitration Act, 1965* is repealed.

**3.**—(1) Subsection 1 of section 4 of *The Hospital Labour Dis-* <sup>1965, c. 48, s. 4, subs. 1, amended</sup> *putes Arbitration Act, 1965* is amended by striking out “thirty-five” in the second line and inserting in lieu thereof “seven”, so that the subsection shall read as follows:

## Arbitration

- (1) Subject to subsection 2, if the parties have not made a collective agreement within seven days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

1965, c. 48,  
s. 4, subs. 2,  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out "thirty-five" in the second line and inserting in lieu thereof "seven" and by striking out "ninety" in the fourth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Extension  
of 7-day  
period

- (2) The parties by agreement in writing may extend the period of seven days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of thirty days, and thereafter any further extension may be made only with the consent of the Minister.

1965, c. 48,  
s. 5, subs. 1,  
amended

4. Subsection 1 of section 5 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by striking out "thirty-five" in the first line and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Board of  
arbitration,  
appoint-  
ment of  
members  
representing  
parties

- (1) Within seven days after the period of seven days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1968-69*.









An Act to amend  
The Hospital Labour Disputes  
Arbitration Act, 1965

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*1st Reading*

March 18th, 1969

*2nd Reading*

April 28th, 1969

*3rd Reading*

May 7th, 1969

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MR. BATES

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**BILL 91**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Ontario Heritage Foundation Act, 1967**

Mr. AULD

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The objects of the Foundation are extended to include property of recreational, aesthetic or scenic interest as well as of historical or architectural interest.

Subsection 2. The change is complementary to subsection 1 and permits support by the Foundation of projects of organizations having other principal functions.

BILL 91

1968-69

**An Act to amend  
The Ontario Heritage Foundation Act, 1967**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 7 of *The Ontario Heritage Foundation Act, 1967* is amended by striking out “and architectural” in the third line and inserting in lieu thereof “architectural, recreational, aesthetic or scenic”, so that the clause shall read as follows:

- (a) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical, architectural, recreational, aesthetic or scenic interest for the use, enjoyment and benefit of the people of Ontario.

(2) Clause *b* of the said section 7 is repealed and the following substituted therefor:

- (b) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, recreational, aesthetic or scenic interest by municipalities or organizations for the use, enjoyment and benefit of the people of Ontario; and

. . . . .

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Heritage Foundation Amendment Act, 1968-69*. Short title

An Act to amend The Ontario Heritage  
Foundation Act, 1967

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*1st Reading*

March 18th, 1969

*2nd Reading*

*3rd Reading*

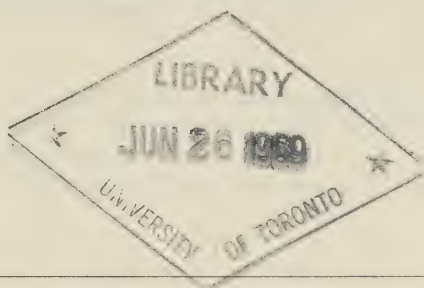
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MR. AULD

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**BILL 91**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Ontario Heritage Foundation Act, 1967**

MR. AULD

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





BILL 91

1968-69

**An Act to amend  
The Ontario Heritage Foundation Act, 1967**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 7 of *The Ontario Heritage Foundation Act, 1967* is amended by striking out “and architectural” in the third line and inserting in lieu thereof “architectural, recreational, aesthetic or scenic”, so that the clause shall read as follows:

- (*a*) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical, architectural, recreational, aesthetic or scenic interest for the use, enjoyment and benefit of the people of Ontario.

(2) Clause *b* of the said section 7 is repealed and the following substituted therefor:

- (*b*) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, recreational, aesthetic or scenic interest by municipalities or organizations for the use, enjoyment and benefit of the people of Ontario; and

. . . . .

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Heritage Foundation Amendment Act, 1968-69*. Short title

An Act to amend The Ontario Heritage  
Foundation Act, 1967

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*1st Reading*

March 18th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

June 6th, 1969

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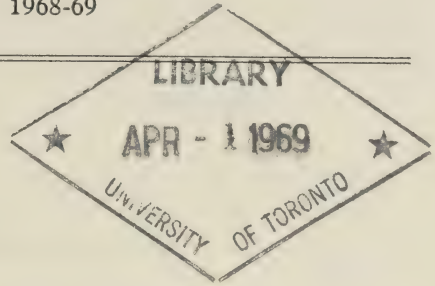
MR. AULD

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**BILL 92**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Insurance Act**

MR. ROWNTREE

#### EXPLANATORY NOTES

SECTION 1. Complementary to section 16 of the Bill.

SECTION 2. The amendment corrects a typographical error.

SECTION 3. The amendment permits the Superintendent to make exceptions to the prescribed rate of interest that is used in computing the reserve in respect of life insurance policies.

SECTION 4. The amendment limits the insurer's right to terminate the contract for non-payment of premium to only those cases where the promise to pay is a bill of exchange or promissory note.

BILL 92

1968-69

## An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of *The Insurance Act* is re-pealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 8,  
repealed

2. Clause *c* of subsection 4 of section 62 of *The Insurance Act* is amended by striking out "matured" in the second line and inserting in lieu thereof "unmatured", so that the clause shall read as follows: R.S.O. 1960,  
c. 190, s. 62,  
subs. 4, cl. c,  
amended

- (c) the full amount of the legal reserve in respect of each unmatured life insurance contract as set out in the schedule of contract legal reserves,

3. Paragraph 1 of subsection 2 of section 80 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 80,  
(1962-63,  
c. 64, s. 4),  
subs. 2,  
par. 1,  
re-enacted

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D, except that where upon the application of a company the Superintendent is satisfied that a higher rate is appropriate for a particular class of policy issued by the company, the Superintendent may authorize the assumption of such higher rate of interest as the Superintendent specifies, and the Superintendent may withdraw his authorization at any time.

4. Subsection 3 of section 97 of *The Insurance Act* is amended by striking out "or any promise to pay" in the first and second lines and by striking out "or other promise to pay" in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 97,  
subs. 3,  
amended

Where  
note or  
cheque for  
premium  
not  
honoured

- (3) Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1960,  
c. 190, s. 98,  
amended

5. Section 98 of *The Insurance Act* is amended by adding thereto the following subsection:

Furnishing  
of forms  
not an  
admission

- (3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

R.S.O. 1960,  
c. 190, s. 111,  
stat.  
cond. 15,  
re-enacted

6. Statutory condition 15 in section 111 of *The Insurance Act* is repealed and the following substituted therefor:

**Notice**

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Province. Written notice may be given to the insured named in the contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,  
c. 190, s. 119,  
subs. 2,  
re-enacted

7. Subsection 2 of section 119 of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Insurance  
on premium  
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance but a mutual insurance company, without guarantee capital stock incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 190, s. 131,  
amended

8. Section 131 of *The Insurance Act* is amended by adding thereto the following subsection:

Mutual  
insurance  
corporations

- (4) A mutual insurance corporation without guarantee capital stock incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132.

R.S.O. 1960,  
c. 190, s. 132,  
amended

9. Section 132 of *The Insurance Act* is amended by adding thereto the following subsections:



SECTION 5. The amendment ensures that the mere supplying of proof of loss forms does not constitute an admission.

SECTION 6. The statutory condition is reworded to make the language uniform with that adopted by other provinces.

SECTIONS 7, 8 AND 9. The powers of fire mutual insurance corporations are extended to undertake liability insurance in respect of the persons and property insured against fire and provision is made for reinsurance.

SECTION 10. The amendment is for the purpose of uniform language in all insurance contracts in Canada.

SECTION 11. The amendments increase the minimum automobile public liability coverage from \$35,000 to \$50,000 and all the increase is added to the priority given claims for bodily injury or death.



- (4a) No mutual insurance corporation without guarantee capital stock incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation without guarantee capital stock incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance  
re weather  
insurance  
  
R.S.O. 1960,  
c. 71

- (4b) The reinsurance requirement under subsection 4a with respect to weather insurance does not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27. Idem

**10.** Subcondition 8 of statutory condition 4 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the seventh line and inserting in lieu thereof "independently", so that the subcondition shall read as follows: R.S.O. 1960,  
c. 190, s. 204,  
(1966, c. 71,  
s. 11),  
stat.  
cond. 4,  
subcond. 8,  
amended

**In Case of Disagreement** (8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

**11.—(1)** Subsection 1 of section 216 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "\$35,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 216,  
(1966, c. 71,  
s. 11)  
subs. 1,  
amended

- (1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum  
liability  
under  
policy

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 2, cl. a, amended (2) Clause *a* of subsection 2 of the said section 216 is amended by striking out "\$30,000" in the second line and inserting in lieu thereof "\$45,000", so that the clause shall read as follows:

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$45,000 over claims arising out of loss of or damage to property; and

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 3, amended (3) Subsection 3 of the said section 216 is amended by striking out "\$35,000" in the third line and in the fifth line and inserting in lieu thereof in each instance "\$50,000", so that the subsection shall read as follows:

Minimum limits where separate limits designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$50,000, exclusive of interest and costs, against liability for loss of or damage to property.

R.S.O. 1960, c. 190, s. 226b (1966, c. 71, s. 11), subs. 2, amended **12.** Subsection 2 of section 226b of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line and by striking out "referred to" in the tenth line and inserting in lieu thereof "of the same type as is specified", so that the subsection shall read as follows:

Release by claimant

- (2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960, c. 138

SECTIONS 12 AND 13. The amendments are for the purpose of making the language uniform with other jurisdictions and make no change in principle.

SECTION 14. The amendment supplies a cross-reference originally omitted in error.

SECTION 15. The amendment adopts a uniform provision recommended by The Association of Superintendents of Insurance of the Provinces of Canada.

**13.** Subsection 2 of section 226c of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226c  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

- (2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

Release by  
claimant

R.S.O. 1960,  
c. 138

**14.** Section 226e of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by inserting after "section" in the second line "226a", so that the section shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226e  
(1966, c. 71,  
s. 11),  
amended

- 226e. Any person insured by but not named in a contract to which section 226a, 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rights of  
unnamed  
insured

**15.** Section 226j of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 190,  
s. 226j  
(1966, c. 71,  
s. 11),  
amended

- (3) "Rateable proportion" as used in subsection 2 means,
- (a) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;
- (b) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;

Rateable  
proportion  
defined



- (c) if there are more than two insurers liable, clauses *a* and *b* apply *mutatis mutandis*.

R.S.O. 1960,  
c. 190,  
Part VII,  
(ss. 227-251),  
re-enacted

**16.**—(1) Subject to subsection 3, Part VII of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1961-62* and section 13 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

## PART VII

### ACCIDENT AND SICKNESS INSURANCE

Interpre-  
tation

227. In this Part,

- (a) “application” means a written application for insurance or for the reinstatement of insurance;
- (b) “beneficiary” means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;
- (c) “blanket insurance” means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;
- (d) “contract” means a contract of insurance;
- (e) “court” means the Supreme Court, or a judge thereof;
- (f) “creditor’s group insurance” means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;
- (g) “declaration” means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,

SECTION 16. The Accident and Sickness Part is re-enacted to adopt the uniform provisions recommended by The Association of Superintendents of Insurance of the Provinces of Canada. The principle changes include:

1. provision for group insurance;
2. revision of provisions respecting the capacity of minors as beneficiaries and the inclusion of trustee provisions similar to those in Part V respecting life insurance;
3. provisions respecting beneficiaries of insurance moneys payable by reason of death or accident;
4. provisions respecting designation of beneficiaries are expanded and made similar to those in Part V respecting life insurance.





in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money which is payable in the event of death by accident;

- (h) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (i) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (j) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him;
- (k) "instrument" includes a will;
- (l) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;
- (m) "insured",
  - (i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and
  - (ii) in all other cases means the person who makes a contract with an insurer;
- (n) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;
- (o) "will" includes a codicil.

**Application of Part** 228.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in Ontario.

**Exceptions** (2) This Part does not apply to,

- (a) accidental death insurance; or
- (b) creditor's group insurance; or
- (c) disability insurance; or
- (d) insurance provided under section 226a, 226b or 226c.

**Group insurance** 229. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining,

- (a) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group person insured if he was resident in Ontario at the time he became insured.

**Issue of policy** 230. An insurer entering into a contract shall issue a policy.

**Exceptions** 231.—(1) This section does not apply to,

- (a) a contract of group insurance; or
- (b) a contract made by a fraternal society.

**Contents of policy** (2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person insured.
2. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
3. The amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid.
4. The conditions upon which the contract may be reinstated if it lapses.

5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

232. In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy: <sup>Contents of group policy</sup>

1. The name or a sufficient description of the insured.
2. The method of determining the group persons insured and persons insured.
3. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

233.—(1) Except as provided in subsection 2, in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group person insured a certificate or other document in which are set forth the following particulars: <sup>Contents of group certificate</sup>

1. The name of the insurer and a sufficient identification of the contract.
2. The amount or the method of determining the amount of insurance on the group person insured and on any person insured.
3. The circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less. <sup>Exception</sup>

234.—(1) Subject to section 235 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions" or "Reductions". <sup>Exceptions or reductions</sup>

- Idem** (2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.
- Idem** (3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.
- Idem** (4) The exception or reduction mentioned in section 247 need not be set forth in the policy.
- Idem** (5) This section does not apply to a contract made by a fraternal society.
- Statutory conditions** 235. Subject to section 236, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

### STATUTORY CONDITIONS

#### **The Contract**

1.—(1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

#### **Waiver**

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

#### **Copy of Application**

(3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

#### **Material Facts**

2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or answers furnished as evidence of insurability.

#### **Changes in Occupation**

3.—(1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

(a) reduce the premium rate; or

(b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,



according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

**Relation of Earnings to Insurance**

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

**Termination by Insured**

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Province, or by delivery thereof to an authorized agent of the insurer in the Province, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

**Termination by Insurer**

6.—(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the *pro rata* premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

**Notice and Proof of Claim**

7.—(1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall

(a) give written notice of claim to the insurer,

(i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Province, or

(ii) by delivery thereof to an authorized agent of the insurer in the Province,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

(b) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

- (c) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim may be made under the contract and as to the duration of such disability.

**Failure to  
Give Notice  
or Proof**

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

**Insurer to  
Furnish  
Forms for  
Proof of  
Claim**

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

**Rights of  
Examination**

9. As a condition precedent to recovery of insurance moneys under this contract,
- (a) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending, and
  - (b) in the case of death of the person insured, the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

**When Moneys  
Payable Other  
Than for Loss  
of Time**

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

**When Loss  
of Time  
Benefits  
Payable**

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

**Limitation  
of Actions**

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than one year after the date the insurance money became payable or would have become payable if it had been a valid claim.

Omission or  
variation of  
conditions

236.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

(3) Statutory conditions 5 and 6 shall be omitted from the policy if the contract does not provide that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted. <sup>Idem</sup>

(4) Statutory conditions 3, 4, 5, 6 and 9, and subject to the restriction in subsection 5, statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 235. <sup>Idem</sup>

(5) Clauses *a* and *b* of paragraph 1 of statutory condition 7 may not be varied in policies providing benefits for loss of time. <sup>Idem</sup>

(6) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein. <sup>Idem</sup>

(7) The title of a statutory condition shall be reproduced in the policy along with the statutory condition, but the number of a statutory condition may be omitted. <sup>Idem</sup>

(8) In the case of a contract made by a fraternal society, <sup>Contract by fraternal society</sup>

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1:

**The Contract**

1.—(1) This policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 shall not be printed on the policy.

237. In the case of a policy of accident insurance of a non-renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type: <sup>Notice of statutory conditions</sup>

“Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in *The Insurance Act* respecting contracts of accident insurance. <sup>R.S.O. 1960, c. 190</sup>

Termination  
for non-  
payment of  
initial or  
renewal  
premium

238.—(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

- (a) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such premium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and
- (b) the contract may be terminated for the non-payment of the premium by the insurer upon ten days notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception

(2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right  
where  
premium  
unpaid

239.—(1) An insurer may,

- (a) deduct unpaid premiums from an amount that it is liable to pay under a contract; or
- (b) sue the insured for unpaid premiums.

Where  
cheque or  
note for  
premium  
not paid

(2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor the premium or part thereof shall be deemed never to have been paid.

Exception

(3) Clause *a* of subsection 1 does not apply to a contract of group insurance.

Idem

(4) This section does not apply to a contract made by a fraternal society.

Insurable  
interest

240. Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and well-being and in the life and well-being of,

- (a) his child or grandchild;
- (b) his spouse;



- (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;
- (d) his officer or employee; and
- (e) any person in whom he has a pecuniary interest.

241.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect, the insured has no insurable <sup>Lack of</sup> interest, the contract is void.

(2) A contract is not void for lack of insurable interest, <sup>Exceptions</sup>

- (a) if it is a contract of group insurance; or
- (b) if the person insured has consented in writing to the insurance.

(3) Where the person insured is under the age of sixteen <sup>Consent of minors</sup> years, consent to the insurance may be given by one of his parents or by a person standing *in loco parentis* to him.

#### POLICIES ON LIVES OF MINORS

242.—(1) Except in respect of his rights as beneficiary, a <sup>Capacity of minors</sup> minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years,

- (a) to make an enforceable contract; and
- (b) in respect of a contract.

(2) A beneficiary who has attained the age of eighteen years <sup>Capacity of minor beneficiary</sup> has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a valid discharge therefor.

#### MISREPRESENTATION AND NON-DISCLOSURE

243.—(1) An applicant for insurance on his own behalf <sup>Duty to disclose</sup> and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

(2) Subject to sections 244 and 247, a failure to disclose, or <sup>Failure to disclose</sup> a misrepresentation of, such a fact renders a contract voidable by the insurer.

Group  
insurance  
failure to  
disclose

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or a person insured under the contract does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 244, voidable by the insurer.

Incontest-  
ability

244.—(1) Subject to section 247 and except as provided in subsection 2,

(a) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable;

(b) where a contract of group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

Exception

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

Application  
of incontest-  
ability to  
reinstatement

245. Sections 243 and 244 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose or a misrepresentation at that time, and the period of two years to which reference is made in section 244 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing  
conditions

246. Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss incurred or commencement of disability with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract.

247.—(1) Subject to subsections 2 and 3, if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either,

- (a) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or
- (b) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

(2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply.

(3) Where the age of a person affects the commencement or termination of the insurance, the true age governs.

#### BENEFICIARIES

248.—(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident, and may from time to time alter or revoke the designation by declaration.

(2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will.

(3) A designation in a will is of no effect against a designation made later than the making of the will.

- Revocation** (4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.
- Idem** (5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.
- Meaning of "heirs", etc.** 249.—(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.
- Death of beneficiary** (2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by declaration, the share is payable,
- (a) to the surviving beneficiary; or
  - (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
  - (c) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.
- Right to sue** (3) A beneficiary designated under section 248 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 250 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.
- Trustee for beneficiary** 250. An insured may in a contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.
- Documents affecting title** 251.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.



(2) Subsection 1 does not affect the rights or interests of <sup>Saving</sup> any person other than the insurer.

(3) Where an assignee of a contract gives notice in writing <sup>Interest of assignee</sup> of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and
- (b) a beneficiary.

(4) Where a contract is assigned unconditionally and other- <sup>Assignee deemed to be insured</sup> wise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.

(5) A provision in a contract to the effect that the rights or <sup>Prohibition against assignment</sup> interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable, is valid.

251a.—(1) Where a beneficiary is designated, any insurance <sup>Insurance money free from creditors</sup> money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured, and is not subject to the claims of the creditors of the insured.

(2) While there is in effect a designation of beneficiary in <sup>Contract exempt from seizure</sup> favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.

251b. A group person insured may, in his own name, enforce <sup>Group person insured enforcing rights</sup> a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured.

251c. Unless a contract or a declaration otherwise provides, <sup>Simultaneous deaths</sup> where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 2 of section 249 as if the beneficiary had predeceased the person insured or group person insured.

251d.—(1) Where the insurer admits liability for the insur- <sup>Payment into court</sup> ance money or any part thereof, and it appears to the insurer that,

- (a) there are adverse claimants; or

(b) the whereabouts of the person entitled is unknown;  
or

(c) there is no person capable of giving or authorized to  
give a valid discharge therefor who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of money into court, and the court may upon such notice, if any, as it deems necessary, make an order accordingly.

Costs of  
proceedings

(2) The court may fix without taxation the costs incurred upon or in connection with any application or order made under subsection 1, and may order the costs to be paid out of the insurance money or by the insurer or otherwise as it deems just.

Discharge  
of insurer

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment.

Where  
beneficiary  
a minor

251e.—(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, pay the money less the applicable costs mentioned in subsection 2 into court to the credit of the minor.

Costs

(2) The insurer may retain out of the insurance money for costs incurred upon payment into court under subsection 1, the sum of \$10 where the amount does not exceed \$1,000, and the sum of \$15 in other cases, and payment of the remainder of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under subsection 1, but the accountant or other proper officer shall receive the money upon the insurer filing with him an affidavit showing the amount payable and the name, date of birth and residence of the minor, and upon such payment being made the insurer shall forthwith notify the Official Guardian and deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

251f. Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

251g. Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding \$2,000 to, <sup>Payments not exceeding \$2,000</sup>

- (a) a relative by blood or connection by marriage of a person insured or the group person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

251h.—(1) Subject to subsection 2, insurance money is payable in Ontario. <sup>Place of payment</sup>

(2) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group person insured was resident at the time he became insured. <sup>Exception for group insurance</sup>

(3) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere. <sup>Dollars</sup>

(4) Where a person entitled to receive insurance money is not domiciled in Ontario the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment outside Ontario</sup>

(5) Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in Ontario, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment to personal representative</sup>

251i. Regardless of the place where a contract was made, a claimant who is a resident of Ontario may bring an action in Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought. <sup>Action in Ontario</sup>



Insurer  
giving  
information

251j. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

Undue  
prominence

251k. The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

Relief  
from  
forfeiture

251l. Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presump-  
tion against  
agency

251m. No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer shall, to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.

Application

(2) Part VII of *The Insurance Act*, as re-enacted by subsection 1, applies to contracts made or renewed after this section comes into force.

Idem

(3) In the case of contracts made before this section comes into force and in effect on the day this section comes into force,

(a) sections 227, 228, 229, 230, 237, 240, 241, 242, 246 and sections 248 to 251m of *The Insurance Act*, as re-enacted by this section, apply; and

(b) sections 230, 231, 232, 233, 235, 242 and 245 of *The Insurance Act*, as they existed immediately before this section comes into force, continue to apply.

R.S.O. 1960,  
c. 190, s. 315,  
subs. 2,  
re-enacted

**17.**—(1) Subsection 2 of section 315 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of  
licences

(2) Licences so issued shall be of three classes, that is,

(a) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or



SECTION 17—Subsection 1. The classes of licences are renamed to conform better to present practices.

Subsection 2. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is prescribed as \$2.

SECTION 18. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is fixed at \$2.

SECTION 19. The amendments provide separate fees for agents, brokers or adjusters who are corporations.

- (b) licences for accident and sickness insurance; or
- (c) licences for all classes of insurance other than life insurance.

(2) Subsection 6 of the said section 315 is amended by striking out "a fee of \$1" in the seventh line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 315,  
subs. 6,  
amended

**18.** Subsection 6 of section 316 of *The Insurance Act* is amended by striking out "a fee of \$1" in the eighth line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 316  
subs. 6,  
amended

**19.**—(1) Item 12 of Schedule A to *The Insurance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 12,  
amended

(d) where the applicant is a corporation. . . . . 25

(2) Clause *c* of item 13 of the said Schedule A, as re-enacted by subsection 2 of section 6 of *The Insurance Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 13  
(1968, c. 58,  
s. 6, subs. 2),  
cl. *c*,  
re-enacted

(c) where the applicant is a corporation. . . . . 25

(d) for transfer or revival of a licence. . . . . 2

(e) all other applicants. . . . . 25

(3) Item 14 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 14,  
re-enacted

14. Licences for insurance brokers and renewals thereof whether corporate or otherwise. . . . . 25

(4) Item 17 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 17,  
re-enacted

17. Licences under subsection 19 of section 315 in the name of a transportation company authorizing its ticket salesmen to act as agent for travel accident insurance, livestock insurance or baggage insurance, and renewals thereof. . . . . 25

**20.**—(1) This Act, except sections 1, 11 and 16, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1 and 16 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

(3) Section 11 comes into force on the 1st day of September, 1969. Idem

**21.** This Act may be cited as *The Insurance Amendment Act, 1968-69*. Short title





An Act to amend  
The Insurance Act

*1st Reading*

March 19th, 1969

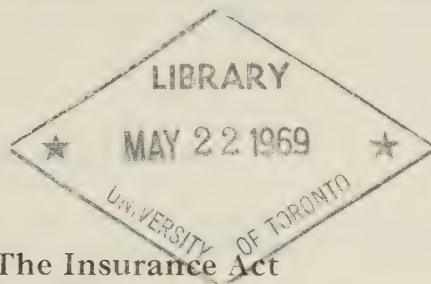
*2nd Reading*

*3rd Reading*

MR. ROWNTREE

## BILL 92

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Insurance Act

MR. ROWNTREE

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1. Complementary to section 16 of the Bill.

SECTION 2. The amendment corrects a typographical error.

SECTION 3. The amendment permits the Superintendent to make exceptions to the prescribed rate of interest that is used in computing the reserve in respect of life insurance policies.



BILL 92

1968-69

## An Act to amend The Insurance Act


**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of *The Insurance Act* is repealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 8,  
repealed


2. Clause *c* of subsection 4 of section 62 of *The Insurance Act* is amended by striking out "matured" in the second line and inserting in lieu thereof "unmatured", so that the clause shall read as follows: R.S.O. 1960,  
c. 190, s. 62,  
subs. 4, cl. *c*,  
amended

- (c) the full amount of the legal reserve in respect of each unmatured life insurance contract as set out in the schedule of contract legal reserves,

. . . . .

 3. Paragraph 1 of subsection 2 of section 80 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 80  
(1962-63,  
c. 64, s. 4),  
subs. 2,  
par. 1,  
re-enacted

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D, except that where, upon the application of a company and upon the recommendation of the Superintendent, the Lieutenant Governor in Council is satisfied that a higher rate is appropriate for a particular class of policy issued by the company, the Lieutenant Governor in Council may by order authorize the assumption of such higher rate of interest as the Lieutenant Governor in Council specifies in the order, and the Lieutenant Governor in Council may by order withdraw his authorization at any time and an order of the Lieutenant Governor in Council under this paragraph shall be deemed to be a regulation within the meaning of *The Regulations Act*.

 R.S.O. 1960,  
c. 349

R.S.O. 1960,  
c. 190, s. 97,  
subs. 3,  
amended

4. Subsection 3 of section 97 of *The Insurance Act* is amended by striking out "or any promise to pay" in the first and second lines and by striking out "or other promise to pay" in the fourth line, so that the subsection shall read as follows:

Where  
note or  
cheque for  
premium  
not  
honoured

- (3) Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1960,  
c. 190, s. 98,  
amended

5. Section 98 of *The Insurance Act* is amended by adding thereto the following subsection:

Furnishing  
of forms  
not an  
admission

- (3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

R.S.O. 1960,  
c. 190, s. 111,  
stat.  
cond. 15,  
re-enacted

6. Statutory condition 15 in section 111 of *The Insurance Act* is repealed and the following substituted therefor:

**Notice**

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Province. Written notice may be given to the insured named in the contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,  
c. 190, s. 119,  
subs. 2,  
re-enacted

7. Subsection 2 of section 119 of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Insurance  
on premium  
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance but a mutual insurance company, without guarantee capital stock incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 190, s. 131,  
amended

8. Section 131 of *The Insurance Act* is amended by adding thereto the following subsection:

Mutual  
insurance  
corporations

- (4) A mutual insurance corporation without guarantee capital stock incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132.

SECTION 4. The amendment limits the insurer's right to terminate the contract for non-payment of premium to only those cases where the promise to pay is a bill of exchange or promissory note.

SECTION 5. The amendment ensures that the mere supplying of proof of loss forms does not constitute an admission.

SECTION 6. The statutory condition is reworded to make the language uniform with that adopted by other provinces.

SECTIONS 7, 8 AND 9. The powers of fire mutual insurance corporations are extended to undertake liability insurance in respect of the persons and property insured against fire and provision is made for reinsurance.

SECTION 10. The amendment is for the purpose of uniform language in all insurance contracts in Canada.

SECTION 11. The amendments increase the minimum automobile public liability coverage from \$35,000 to \$50,000 and all the increase is added to the priority given claims for bodily injury or death.

9. Section 132 of *The Insurance Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 190, s. 132,  
amended

(4a) No mutual insurance corporation without guarantee capital stock incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation without guarantee capital stock incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance  
re weather  
insurance  
  
R.S.O. 1960,  
c. 71

(4b) The reinsurance requirement under subsection 4a with respect to weather insurance does not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27. Idem

10. Subcondition 8 of statutory condition 4 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the seventh line and inserting in lieu thereof "independently", so that the subcondition shall read as follows: R.S.O. 1960,  
c. 190, s. 204  
(1966, c. 71,  
s. 11),  
stat.  
cond. 4,  
subcond. 8,  
amended

**In Case of  
Disagreement**

(8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

11.—(1) Subsection 1 of section 216 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "\$35,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11)  
subs. 1,  
amended

(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum  
liability  
under  
policy



R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11),  
subs. 2, cl. a,  
amended

(2) Clause *a* of subsection 2 of the said section 216 is amended by striking out "\$30,000" in the second line and inserting in lieu thereof "\$45,000", so that the clause shall read as follows:

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$45,000 over claims arising out of loss of or damage to property; and

. . . . .

R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11),  
subs. 3,  
amended

(3) Subsection 3 of the said section 216 is amended by striking out "\$35,000" in the third line and in the fifth line and inserting in lieu thereof in each instance "\$50,000", so that the subsection shall read as follows:

Minimum  
limits  
where  
separate  
limits  
designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$50,000, exclusive of interest and costs, against liability for loss of or damage to property.

R.S.O. 1960,  
c. 190,  
s. 226b  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

**12.** Subsection 2 of section 226b of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line and by striking out "referred to" in the tenth line and inserting in lieu thereof "of the same type as is specified", so that the subsection shall read as follows:

Release by  
claimant

- (2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960,  
c. 138

SECTIONS 12 AND 13. The amendments are for the purpose of making the language uniform with other jurisdictions and make no change in principle.

SECTION 14. The amendment supplies a cross-reference originally omitted in error.

SECTION 15. The amendment adopts a uniform provision recommended by The Association of Superintendents of Insurance of the Provinces of Canada.



**13.** Subsection 2 of section 226c of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226c  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

- (2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

Release by  
claimant

R.S.O. 1960,  
c. 138

**14.** Section 226e of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by inserting after "section" in the second line "226a", so that the section shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226e  
(1966, c. 71,  
s. 11),  
amended

- 226e. Any person insured by but not named in a contract to which section 226a, 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rights of  
unnamed  
insured

**15.** Section 226j of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 190,  
s. 226j  
(1966, c. 71,  
s. 11),  
amended

- (3) "Rateable proportion" as used in subsection 2 means,
- (a) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;
- (b) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;

Rateable  
proportion  
defined

- (c) if there are more than two insurers liable, clauses *a* and *b* apply *mutatis mutandis*.

R.S.O. 1960,  
c. 190,  
Part VII  
(ss. 227-251),  
re-enacted

**16.**—(1) Subject to subsection 3, Part VII of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1961-62* and section 13 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

## PART VII

### ACCIDENT AND SICKNESS INSURANCE

Interpre-  
tation

227. In this Part,

- (a) “application” means a written application for insurance or for the reinstatement of insurance;
- (b) “beneficiary” means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;
- (c) “blanket insurance” means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;
- (d) “contract” means a contract of insurance;
- (e) “court” means the Supreme Court, or a judge thereof;
- (f) “creditor’s group insurance” means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;
- (g) “declaration” means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,

SECTION 16. The Accident and Sickness Part is re-enacted to adopt the uniform provisions recommended by The Association of Superintendents of Insurance of the Provinces of Canada. The principal changes include:

1. provision for group insurance;
2. revision of provisions respecting the capacity of minors as beneficiaries and the inclusion of trustee provisions similar to those in Part V respecting life insurance;
3. provisions respecting beneficiaries of insurance moneys payable by reason of death or accident;
4. provisions respecting designation of beneficiaries are expanded and made similar to those in Part V respecting life insurance.



in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money which is payable in the event of death by accident;

- (h) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (i) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (j) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him;
- (k) "instrument" includes a will;
- (l) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;
- (m) "insured",
  - (i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and
  - (ii) in all other cases means the person who makes a contract with an insurer;
- (n) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;
- (o) "will" includes a codicil.

**Application of Part** 228.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in Ontario.

**Exceptions** (2) This Part does not apply to,

- (a) accidental death insurance; or
- (b) creditor's group insurance; or
- (c) disability insurance; or
- (d) insurance provided under section 226*a*, 226*b* or 226*c*.

**Group insurance** 229. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining,

- (a) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group person insured if he was resident in Ontario at the time he became insured.

**Issue of policy** 230. An insurer entering into a contract shall issue a policy.

**Exceptions** 231.—(1) This section does not apply to,

- (a) a contract of group insurance; or
- (b) a contract made by a fraternal society.

**Contents of policy** (2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person insured.
2. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
3. The amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid.
4. The conditions upon which the contract may be reinstated if it lapses.



5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

232. In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy: <sup>Contents of group policy</sup>

1. The name or a sufficient description of the insured.
2. The method of determining the group persons insured and persons insured.
3. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

233.—(1) Except as provided in subsection 2, in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group person insured a certificate or other document in which are set forth the following particulars: <sup>Contents of group certificate</sup>

1. The name of the insurer and a sufficient identification of the contract.
2. The amount or the method of determining the amount of insurance on the group person insured and on any person insured.
3. The circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less. <sup>Exception</sup>

234.—(1) Subject to section 235 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions" or "Reductions". <sup>Exceptions or reductions</sup>

Idem (2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.

Idem (3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

Idem (4) The exception or reduction mentioned in section 247 need not be set forth in the policy.

Idem (5) This section does not apply to a contract made by a fraternal society.

Statutory conditions 235. Subject to section 236, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

### STATUTORY CONDITIONS

**The Contract** 1.—(1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

**Waiver** (2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

**Copy of Application** (3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

**Material Facts** 2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or answers furnished as evidence of insurability.

**Changes in Occupation** 3.—(1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

(a) reduce the premium rate; or

(b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,



according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

**Relation of Earnings to Insurance**

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

**Termination by Insured**

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Province, or by delivery thereof to an authorized agent of the insurer in the Province, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

**Termination by Insurer**

6.—(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the *pro rata* premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

**Notice and Proof of Claim**

7.—(1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall

- (a) give written notice of claim to the insurer,
  - (i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Province, or
  - (ii) by delivery thereof to an authorized agent of the insurer in the Province,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

- (b) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

- (c) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim may be made under the contract and as to the duration of such disability.

**Failure to  
Give Notice  
or Proof**

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

**Insurer to  
Furnish  
Forms for  
Proof of  
Claim**

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

**Rights of  
Examination**

9. As a condition precedent to recovery of insurance moneys under this contract,
- (a) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending, and
- (b) in the case of death of the person insured, the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

**When Moneys  
Payable Other  
Than for Loss  
of Time**

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

**When Loss  
of Time  
Benefits  
Payable**

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

**Limitation  
of Actions**

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than one year after the date the insurance money became payable or would have become payable if it had been a valid claim.

Omission or  
variation of  
conditions

236.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

(3) Statutory conditions 5 and 6 shall be omitted from the policy if the contract does not provide that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted. <sup>Idem</sup>

(4) Statutory conditions 3, 4, 5, 6 and 9, and subject to the restriction in subsection 5, statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 235. <sup>Idem</sup>

(5) Clauses *a* and *b* of paragraph 1 of statutory condition 7 may not be varied in policies providing benefits for loss of time. <sup>Idem</sup>

(6) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein. <sup>Idem</sup>

(7) The title of a statutory condition shall be reproduced in the policy along with the statutory condition, but the number of a statutory condition may be omitted. <sup>Idem</sup>

(8) In the case of a contract made by a fraternal society, <sup>Contract by fraternal society</sup>

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1:

**The Contract**

1.—(1) This policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 shall not be printed on the policy.

237. In the case of a policy of accident insurance of a non-renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type: <sup>Notice of statutory conditions</sup>

“Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in *The Insurance Act* respecting contracts of accident insurance. <sup>R.S.O. 1960 c. 190</sup>

Termination  
for non-  
payment of  
initial or  
renewal  
premium

238.—(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

- (a) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such premium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and
- (b) the contract may be terminated for the non-payment of the premium by the insurer upon ten days notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception

(2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right  
where  
premium  
unpaid

239.—(1) An insurer may,

- (a) deduct unpaid premiums from an amount that it is liable to pay under a contract; or
- (b) sue the insured for unpaid premiums.

Where  
cheque or  
note for  
premium  
not paid

(2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor the premium or part thereof shall be deemed never to have been paid.

Exception

(3) Clause *a* of subsection 1 does not apply to a contract of group insurance.

Idem

(4) This section does not apply to a contract made by a fraternal society.

Insurable  
interest

240. Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and well-being and in the life and well-being of,

- (a) his child or grandchild;
- (b) his spouse;



(c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;

(d) his officer or employee; and

(e) any person in whom he has a pecuniary interest.

241.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect, the insured has no insurable interest, the contract is void. <sup>Lack of insurable interest</sup>

(2) A contract is not void for lack of insurable interest, <sup>Exceptions</sup>

(a) if it is a contract of group insurance; or

(b) if the person insured has consented in writing to the insurance.

(3) Where the person insured is under the age of sixteen years, consent to the insurance may be given by one of his parents or by a person standing *in loco parentis* to him. <sup>Consent of minors</sup>

#### POLICIES ON LIVES OF MINORS

242.—(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years, <sup>Capacity of minors</sup>

(a) to make an enforceable contract; and

(b) in respect of a contract.

(2) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a valid discharge therefor. <sup>Capacity of minor beneficiary</sup>

#### MISREPRESENTATION AND NON-DISCLOSURE

243.—(1) An applicant for insurance on his own behalf and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other. <sup>Duty to disclose</sup>

(2) Subject to sections 244 and 247, a failure to disclose, or a misrepresentation of, such a fact renders a contract voidable by the insurer. <sup>Failure to disclose</sup>

Group  
insurance  
failure to  
disclose

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or a person insured under the contract does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 244, voidable by the insurer.

Incontest-  
ability

244.—(1) Subject to section 247 and except as provided in subsection 2,

- (a) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable;
- (b) where a contract of group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

Exception

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

Application  
of incontest-  
ability to  
reinstatement

245. Sections 243 and 244 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose or a misrepresentation at that time, and the period of two years to which reference is made in section 244 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing  
conditions

246. Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss incurred or commencement of disability with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract.

247.—(1) Subject to subsections 2 and 3, if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either,

- (a) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or
- (b) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

(2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply.

(3) Where the age of a person affects the commencement or termination of the insurance, the true age governs.

#### BENEFICIARIES

248.—(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident, and may from time to time alter or revoke the designation by declaration.

(2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will.

(3) A designation in a will is of no effect against a designation made later than the making of the will.

**Revocation** (4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

**Idem** (5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.

**Meaning of "heirs", etc.** 249.—(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.

**Death of beneficiary** (2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by declaration, the share is payable,

- (a) to the surviving beneficiary; or
- (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
- (c) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.

**Right to sue** (3) A beneficiary designated under section 248 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 250 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.

**Trustee for beneficiary** 250. An insured may in a contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.

**Documents affecting title** 251.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.



(2) Subsection 1 does not affect the rights or interests of <sup>Saving</sup> any person other than the insurer.

(3) Where an assignee of a contract gives notice in writing <sup>Interest of assignee</sup> of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and
- (b) a beneficiary.

(4) Where a contract is assigned unconditionally and other- <sup>Assignee deemed to be insured</sup> wise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.

(5) A provision in a contract to the effect that the rights or <sup>Prohibition against assignment</sup> interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable, is valid.

251a.—(1) Where a beneficiary is designated, any insurance <sup>Insurance money free from creditors</sup> money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured, and is not subject to the claims of the creditors of the insured.

(2) While there is in effect a designation of beneficiary in <sup>Contract exempt from seizure</sup> favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.

251b. A group person insured may, in his own name, enforce <sup>Group person insured enforcing rights</sup> a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured.

251c. Unless a contract or a declaration otherwise provides, <sup>Simultaneous deaths</sup> where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 2 of section 249 as if the beneficiary had predeceased the person insured or group person insured.

251d.—(1) Where the insurer admits liability for the insur- <sup>Payment into court</sup> ance money or any part thereof, and it appears to the insurer that,

- (a) there are adverse claimants; or

(b) the whereabouts of the person entitled is unknown;  
or

(c) there is no person capable of giving or authorized to  
give a valid discharge therefor who is willing to do so,

the insurer may apply *ex parte* to the court for an order for  
payment of money into court, and the court may upon such  
notice, if any, as it deems necessary, make an order accord-  
ingly.

Costs of  
proceedings

(2) The court may fix without taxation the costs incurred  
upon or in connection with any application or order made  
under subsection 1, and may order the costs to be paid out of  
the insurance money or by the insurer or otherwise as it deems  
just.

Discharge  
of insurer

(3) A payment made pursuant to an order under subsection  
1 discharges the insurer to the extent of the payment.

Where  
beneficiary  
a minor

251e.—(1) Where an insurer admits liability for insurance  
money payable to a minor and there is no person capable of  
giving and authorized to give a valid discharge therefor who is  
willing to do so, the insurer may at any time after thirty days  
from the date of the happening of the event upon which the  
insurance money becomes payable, pay the money less the  
applicable costs mentioned in subsection 2 into court to the  
credit of the minor.

Costs

(2) The insurer may retain out of the insurance money for  
costs incurred upon payment into court under subsection 1,  
the sum of \$10 where the amount does not exceed \$1,000, and  
the sum of \$15 in other cases, and payment of the remainder  
of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under  
subsection 1, but the accountant or other proper officer shall  
receive the money upon the insurer filing with him an affidavit  
showing the amount payable and the name, date of birth and  
residence of the minor, and upon such payment being made the  
insurer shall forthwith notify the Official Guardian and  
deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

251f. Where it appears that a representative of a bene-  
ficiary who is under disability may under the law of the  
domicile of the beneficiary accept payments on behalf of the  
beneficiary, the insurer may make payment to the represen-  
tative and any such payment discharges the insurer to the  
extent of the amount paid.

251g. Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding \$2,000 to, <sup>Payments not exceeding \$2,000</sup>

- (a) a relative by blood or connection by marriage of a person insured or the group person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

251h.—(1) Subject to subsection 2, insurance money is payable in Ontario. <sup>Place of payment</sup>

(2) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group person insured was resident at the time he became insured. <sup>Exception for group insurance</sup>

(3) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere. <sup>Dollars</sup>

(4) Where a person entitled to receive insurance money is not domiciled in Ontario the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment outside Ontario</sup>

(5) Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in Ontario, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment to personal representative</sup>

251i. Regardless of the place where a contract was made, a claimant who is a resident of Ontario may bring an action in Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought. <sup>Action in Ontario</sup>



Insurer  
giving  
information

251j. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

Undue  
prominence

251k. The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

Relief  
from  
forfeiture

251l. Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presump-  
tion against  
agency

251m. No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer shall, to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.

Application

(2) Part VII of *The Insurance Act*, as re-enacted by subsection 1, applies to contracts made after this section comes into force.

Idem

(3) In the case of contracts made before this section comes into force and in effect on the day this section comes into force,

(a) sections 227, 228, 229, 230, 237, 240, 241, 242, 246 and sections 248 to 251m of *The Insurance Act*, as re-enacted by this section, apply; and

(b) sections 230, 231, 232, 233, 235, 242 and 245 of *The Insurance Act*, as they existed immediately before this section comes into force, continue to apply.

R.S.O. 1960,  
c. 190, s. 315,  
subs. 2,  
re-enacted

**17.**—(1) Subsection 2 of section 315 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of  
licences

(2) Licences so issued shall be of three classes, that is,

(a) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or

SECTION 17—Subsection 1. The classes of licences are renamed to conform better to present practices.

Subsection 2. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is prescribed as \$2.

SECTION 18. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is fixed at \$2.

SECTION 19. The amendments provide separate fees for agents, brokers or adjusters who are corporations.

- (b) licences for accident and sickness insurance; or
- (c) licences for all classes of insurance other than life insurance.

(2) Subsection 6 of the said section 315 is amended by striking out "a fee of \$1" in the seventh line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960, c. 190, s. 315, subs. 6, amended

**18.** Subsection 6 of section 316 of *The Insurance Act* is amended by striking out "a fee of \$1" in the eighth line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960, c. 190, s. 316, subs. 6, amended

**19.**—(1) Item 12 of Schedule A to *The Insurance Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 190, Sched. A, item 12, amended

(d) where the applicant is a corporation. . . . . 25

(2) Clause c of item 13 of the said Schedule A, as re-enacted by subsection 2 of section 6 of *The Insurance Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 13 (1968, c. 58, s. 6, subs. 2), cl. c, re-enacted

(c) where the applicant is a corporation. . . . . 25

(d) for transfer or revival of a licence. . . . . 2

(e) all other applicants. . . . . 25

(3) Item 14 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 14, re-enacted

14. Licences for insurance brokers and renewals thereof whether corporate or otherwise. . . . . 25

(4) Item 17 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 17, re-enacted

17. Licences under subsection 19 of section 315 in the name of a transportation company authorizing its ticket salesmen to act as agent for travel accident insurance, livestock insurance or baggage insurance, and renewals thereof. . . . 25

**20.**—(1) This Act, except sections 1, 11 and 16, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 and 16 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

(3) Section 11 comes into force on the 1st day of September, 1969. Idem

**21.** This Act may be cited as *The Insurance Amendment Act, 1968-69*. Short title







An Act to amend  
The Insurance Act

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*1st Reading*

March 19th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

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MR. ROWNTREE

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(Reprinted as amended by  
the Committee of the Whole House)

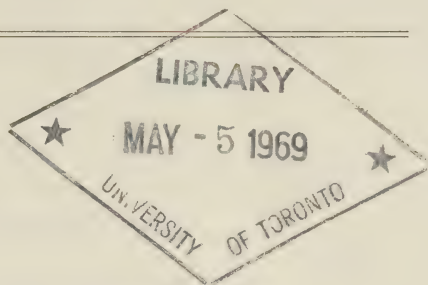
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**BILL 92**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Insurance Act**

MR. ROWNTREE

*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTES

SECTION 1. Complementary to section 16 of the Bill.

SECTION 2. The amendment corrects a typographical error.

SECTION 3. The amendment permits the Superintendent to make exceptions to the prescribed rate of interest that is used in computing the reserve in respect of life insurance policies.

SECTION 4. The amendment limits the insurer's right to terminate the contract for non-payment of premium to only those cases where the promise to pay is a bill of exchange or promissory note.

BILL 92

1968-69

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 8 of section 1 of *The Insurance Act* is re-  
pealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 8,  
repealed

**2.** Clause *c* of subsection 4 of section 62 of *The Insurance Act* is amended by striking out "matured" in the second line and inserting in lieu thereof "unmatured", so that the clause shall read as follows: R.S.O. 1960,  
c. 190, s. 62,  
subs. 4, cl. *c*,  
amended

- (*c*) the full amount of the legal reserve in respect of each unmaturred life insurance contract as set out in the schedule of contract legal reserves,

. . . . .

**3.** Paragraph 1 of subsection 2 of section 80 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 80  
(1962-63,  
c. 64, s. 4),  
subs. 2,  
par. 1,  
re-enacted

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D, except that where upon the application of a company the Superintendent is satisfied that a higher rate is appropriate for a particular class of policy issued by the company, the Superintendent may authorize the assumption of such higher rate of interest as the Superintendent specifies, and the Superintendent may withdraw his authorization at any time.

**4.** Subsection 3 of section 97 of *The Insurance Act* is amended by striking out "or any promise to pay" in the first and second lines and by striking out "or other promise to pay" in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 97,  
subs. 3,  
amended

Where  
note or  
cheque for  
premium  
not  
honoured

- (3) Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1960,  
c. 190, s. 98,  
amended

- 5.** Section 98 of *The Insurance Act* is amended by adding thereto the following subsection:

Furnishing  
of forms  
not an  
admission

- (3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

R.S.O. 1960,  
c. 190, s. 111,  
stat.  
cond. 15,  
re-enacted

- 6.** Statutory condition 15 in section 111 of *The Insurance Act* is repealed and the following substituted therefor:

**Notice**

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Province. Written notice may be given to the insured named in the contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,  
c. 190, s. 119,  
subs. 2,  
re-enacted

- 7.** Subsection 2 of section 119 of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Insurance  
on premium  
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance but a mutual insurance company, without guarantee capital stock incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 190, s. 131,  
amended

- 8.** Section 131 of *The Insurance Act* is amended by adding thereto the following subsection:

Mutual  
insurance  
corporations

- (4) A mutual insurance corporation without guarantee capital stock incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132.

R.S.O. 1960,  
c. 190, s. 132,  
amended

- 9.** Section 132 of *The Insurance Act* is amended by adding thereto the following subsections:

SECTION 5. The amendment ensures that the mere supplying of proof of loss forms does not constitute an admission.

SECTION 6. The statutory condition is reworded to make the language uniform with that adopted by other provinces.

SECTIONS 7, 8 AND 9. The powers of fire mutual insurance corporations are extended to undertake liability insurance in respect of the persons and property insured against fire and provision is made for reinsurance.

SECTION 10. The amendment is for the purpose of uniform language in all insurance contracts in Canada.

SECTION 11. The amendments increase the minimum automobile public liability coverage from \$35,000 to \$50,000 and all the increase is added to the priority given claims for bodily injury or death.



- (4a) No mutual insurance corporation without guarantee capital stock incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation without guarantee capital stock incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance  
re weather  
insurance  
  
R.S.O. 1960,  
c. 71

- (4b) The reinsurance requirement under subsection 4a <sup>Idem</sup> with respect to weather insurance does not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27.

**10.** Subcondition 8 of statutory condition 4 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the seventh line and inserting in lieu thereof "independently", so that the subcondition shall read as follows: R.S.O. 1960,  
c. 190, s. 204  
(1966, c. 71,  
s. 11),  
stat.  
cond. 4,  
subcond. 8,  
amended

**In Case of Disagreement** (8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

**11.—(1)** Subsection 1 of section 216 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "\$35,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11)  
subs. 1,  
amended

- (1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum  
liability  
under  
policy

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 2, cl. a, amended (2) Clause *a* of subsection 2 of the said section 216 is amended by striking out "\$30,000" in the second line and inserting in lieu thereof "\$45,000", so that the clause shall read as follows:

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$45,000 over claims arising out of loss of or damage to property; and

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 3, amended (3) Subsection 3 of the said section 216 is amended by striking out "\$35,000" in the third line and in the fifth line and inserting in lieu thereof in each instance "\$50,000", so that the subsection shall read as follows:

Minimum limits where separate limits designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$50,000, exclusive of interest and costs, against liability for loss of or damage to property.

R.S.O. 1960, c. 190, s. 226b (1966, c. 71, s. 11), subs. 2, amended **12.** Subsection 2 of section 226b of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line and by striking out "referred to" in the tenth line and inserting in lieu thereof "of the same type as is specified", so that the subsection shall read as follows:

Release by claimant

- (2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960, c. 138

SECTIONS 12 AND 13. The amendments are for the purpose of making the language uniform with other jurisdictions and make no change in principle.

SECTION 14. The amendment supplies a cross-reference originally omitted in error.

SECTION 15. The amendment adopts a uniform provision recommended by The Association of Superintendents of Insurance of the Provinces of Canada.

**13.** Subsection 2 of section 226c of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226c  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

- (2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

Release by  
claimant

R.S.O. 1960,  
c. 138

**14.** Section 226e of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by inserting after "section" in the second line "226a", so that the section shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226e  
(1966, c. 71,  
s. 11),  
amended

- 226e. Any person insured by but not named in a contract to which section 226a, 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rights of  
unnamed  
insured

**15.** Section 226j of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 190,  
s. 226j  
(1966, c. 71,  
s. 11),  
amended

- (3) "Rateable proportion" as used in subsection 2 means,
- (a) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;
- (b) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;

Rateable  
proportion  
defined



- (c) if there are more than two insurers liable, clauses *a* and *b* apply *mutatis mutandis*.

R.S.O. 1960, c. 190, Part VII (ss. 227-251), re-enacted, **16.**—(1) Subject to subsection 3, Part VII of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1961-62* and section 13 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

## PART VII

### ACCIDENT AND SICKNESS INSURANCE

Interpre-  
tation

227. In this Part,

- (a) “application” means a written application for insurance or for the reinstatement of insurance;
- (b) “beneficiary” means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;
- (c) “blanket insurance” means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;
- (d) “contract” means a contract of insurance;
- (e) “court” means the Supreme Court, or a judge thereof;
- (f) “creditor’s group insurance” means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;
- (g) “declaration” means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,

SECTION 16. The Accident and Sickness Part is re-enacted to adopt the uniform provisions recommended by The Association of Superintendents of Insurance of the Provinces of Canada. The principal changes include:

1. provision for group insurance;
2. revision of provisions respecting the capacity of minors as beneficiaries and the inclusion of trustee provisions similar to those in Part V respecting life insurance;
3. provisions respecting beneficiaries of insurance moneys payable by reason of death or accident;
4. provisions respecting designation of beneficiaries are expanded and made similar to those in Part V respecting life insurance.





in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money which is payable in the event of death by accident;

- (h) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (i) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (j) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him;
- (k) "instrument" includes a will;
- (l) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;
- (m) "insured",
  - (i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and
  - (ii) in all other cases means the person who makes a contract with an insurer;
- (n) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;
- (o) "will" includes a codicil.

**Application of Part** 228.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in Ontario.

**Exceptions** (2) This Part does not apply to,

- (a) accidental death insurance; or
- (b) creditor's group insurance; or
- (c) disability insurance; or
- (d) insurance provided under section 226a, 226b or 226c.

**Group insurance** 229. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining,

- (a) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group person insured if he was resident in Ontario at the time he became insured.

**Issue of policy** 230. An insurer entering into a contract shall issue a policy.

**Exceptions** 231.—(1) This section does not apply to,

- (a) a contract of group insurance; or
- (b) a contract made by a fraternal society.

**Contents of policy** (2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person insured.
2. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
3. The amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid.
4. The conditions upon which the contract may be reinstated if it lapses.

5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

232. In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy: <sup>Contents of group policy</sup>

1. The name or a sufficient description of the insured.
2. The method of determining the group persons insured and persons insured.
3. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

233.—(1) Except as provided in subsection 2, in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group person insured a certificate or other document in which are set forth the following particulars: <sup>Contents of group certificate</sup>

1. The name of the insurer and a sufficient identification of the contract.
2. The amount or the method of determining the amount of insurance on the group person insured and on any person insured.
3. The circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less. <sup>Exception</sup>

234.—(1) Subject to section 235 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions" or "Reductions". <sup>Exceptions or reductions</sup>

- Idem** (2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.
- Idem** (3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.
- Idem** (4) The exception or reduction mentioned in section 247 need not be set forth in the policy.
- Idem** (5) This section does not apply to a contract made by a fraternal society.
- Statutory conditions** 235. Subject to section 236, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

### STATUTORY CONDITIONS

#### **The Contract**

1.—(1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

#### **Waiver**

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

#### **Copy of Application**

(3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

#### **Material Facts**

2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or answers furnished as evidence of insurability.

#### **Changes in Occupation**

3.—(1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

- (a) reduce the premium rate; or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,



according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

**Relation of Earnings to Insurance**

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

**Termination by Insured**

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Province, or by delivery thereof to an authorized agent of the insurer in the Province, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

**Termination by Insurer**

6.—(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the *pro rata* premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

**Notice and Proof of Claim**

7.—(1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall

(a) give written notice of claim to the insurer,

(i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Province, or

(ii) by delivery thereof to an authorized agent of the insurer in the Province,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

(b) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

- (c) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim may be made under the contract and as to the duration of such disability.

**Failure to Give Notice or Proof**

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

**Insurer to Furnish Forms for Proof of Claim**

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

**Rights of Examination**

9. As a condition precedent to recovery of insurance moneys under this contract,
- (a) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending, and
  - (b) in the case of death of the person insured, the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

**When Moneys Payable Other Than for Loss of Time**

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

**When Loss of Time Benefits Payable**

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

**Limitation of Actions**

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than one year after the date the insurance money became payable or would have become payable if it had been a valid claim.

Omission or variation of conditions

236.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

(3) Statutory conditions 5 and 6 shall be omitted from the policy if the contract does not provide that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted. <sup>Idem</sup>

(4) Statutory conditions 3, 4, 5, 6 and 9, and subject to the restriction in subsection 5, statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 235. <sup>Idem</sup>

(5) Clauses *a* and *b* of paragraph 1 of statutory condition 7 may not be varied in policies providing benefits for loss of time. <sup>Idem</sup>

(6) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein. <sup>Idem</sup>

(7) The title of a statutory condition shall be reproduced in the policy along with the statutory condition, but the number of a statutory condition may be omitted. <sup>Idem</sup>

(8) In the case of a contract made by a fraternal society, <sup>Contract by fraternal society</sup>

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1:

**The Contract**

1.—(1) This policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 shall not be printed on the policy.

237. In the case of a policy of accident insurance of a non-renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type: <sup>Notice of statutory conditions</sup>

“Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in *The Insurance Act* respecting contracts of accident insurance. <sup>R.S.O. 1960, c. 190</sup>

Termination  
for non-  
payment of  
initial or  
renewal  
premium

238.—(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

- (a) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such premium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and
- (b) the contract may be terminated for the non-payment of the premium by the insurer upon ten days notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception

(2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right  
where  
premium  
unpaid

239.—(1) An insurer may,

- (a) deduct unpaid premiums from an amount that it is liable to pay under a contract; or
- (b) sue the insured for unpaid premiums.

Where  
cheque or  
note for  
premium  
not paid

(2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor the premium or part thereof shall be deemed never to have been paid.

Exception

(3) Clause *a* of subsection 1 does not apply to a contract of group insurance.

Idem

(4) This section does not apply to a contract made by a fraternal society.

Insurable  
interest

240. Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and well-being and in the life and well-being of,

- (a) his child or grandchild;
- (b) his spouse;



- (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;
- (d) his officer or employee; and
- (e) any person in whom he has a pecuniary interest.

241.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect, the insured has no insurable interest, the contract is void. <sup>Lack of insurable interest</sup>

(2) A contract is not void for lack of insurable interest, <sup>Exceptions</sup>

- (a) if it is a contract of group insurance; or
- (b) if the person insured has consented in writing to the insurance.

(3) Where the person insured is under the age of sixteen years, consent to the insurance may be given by one of his parents or by a person standing *in loco parentis* to him. <sup>Consent of minors</sup>

#### POLICIES ON LIVES OF MINORS

242.—(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years, <sup>Capacity of minors</sup>

- (a) to make an enforceable contract; and
- (b) in respect of a contract.

(2) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a valid discharge therefor. <sup>Capacity of minor beneficiary</sup>

#### MISREPRESENTATION AND NON-DISCLOSURE

243.—(1) An applicant for insurance on his own behalf and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other. <sup>Duty to disclose</sup>

(2) Subject to sections 244 and 247, a failure to disclose, or a misrepresentation of, such a fact renders a contract voidable by the insurer. <sup>Failure to disclose</sup>

Group  
insurance  
failure to  
disclose

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or a person insured under the contract does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 244, voidable by the insurer.

Incontest-  
ability

244.—(1) Subject to section 247 and except as provided in subsection 2,

- (a) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable;
- (b) where a contract of group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

Exception

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

Application  
of incontest-  
ability to  
reinstatement

245. Sections 243 and 244 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose or a misrepresentation at that time, and the period of two years to which reference is made in section 244 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing  
conditions

246. Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss incurred or commencement of disability with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract.

247.—(1) Subject to subsections 2 and 3, if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either, <sup>Misstatement of age</sup>

- (a) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or
- (b) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

(2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply. <sup>Misstatement of age in group insurance</sup>

(3) Where the age of a person affects the commencement or termination of the insurance, the true age governs. <sup>True age governs</sup>

#### BENEFICIARIES

248.—(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident, and may from time to time alter or revoke the designation by declaration. <sup>Designation of beneficiary</sup>

(2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will. <sup>Designation in invalid will</sup>

(3) A designation in a will is of no effect against a designation made later than the making of the will. <sup>Priorities</sup>

- Revocation** (4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.
- Idem** (5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.
- Meaning of "heirs", etc.** 249.—(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.
- Death of beneficiary** (2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by declaration, the share is payable,
- (a) to the surviving beneficiary; or
  - (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
  - (c) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.
- Right to sue** (3) A beneficiary designated under section 248 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 250 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.
- Trustee for beneficiary** 250. An insured may in a contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.
- Documents affecting title** 251.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.



(2) Subsection 1 does not affect the rights or interests of <sup>Saving</sup> any person other than the insurer.

(3) Where an assignee of a contract gives notice in writing <sup>Interest of assignee</sup> of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and
- (b) a beneficiary.

(4) Where a contract is assigned unconditionally and other- <sup>Assignee deemed to be insured</sup> wise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.

(5) A provision in a contract to the effect that the rights or <sup>Prohibition against assignment</sup> interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable, is valid.

251a.—(1) Where a beneficiary is designated, any insurance <sup>Insurance money free from creditors</sup> money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured, and is not subject to the claims of the creditors of the insured.

(2) While there is in effect a designation of beneficiary in <sup>Contract exempt from seizure</sup> favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.

251b. A group person insured may, in his own name, enforce <sup>Group person insured enforcing rights</sup> a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured.

251c. Unless a contract or a declaration otherwise provides, <sup>Simultaneous deaths</sup> where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 2 of section 249 as if the beneficiary had predeceased the person insured or group person insured.

251d.—(1) Where the insurer admits liability for the insur- <sup>Payment into court</sup> ance money or any part thereof, and it appears to the insurer that,

- (a) there are adverse claimants; or

(b) the whereabouts of the person entitled is unknown;  
or

(c) there is no person capable of giving or authorized to  
give a valid discharge therefor who is willing to do so,

the insurer may apply *ex parte* to the court for an order for  
payment of money into court, and the court may upon such  
notice, if any, as it deems necessary, make an order accord-  
ingly.

Costs of  
proceedings

(2) The court may fix without taxation the costs incurred  
upon or in connection with any application or order made  
under subsection 1, and may order the costs to be paid out of  
the insurance money or by the insurer or otherwise as it deems  
just.

Discharge  
of insurer

(3) A payment made pursuant to an order under subsection  
1 discharges the insurer to the extent of the payment.

Where  
beneficiary  
a minor

251e.—(1) Where an insurer admits liability for insurance  
money payable to a minor and there is no person capable of  
giving and authorized to give a valid discharge therefor who is  
willing to do so, the insurer may at any time after thirty days  
from the date of the happening of the event upon which the  
insurance money becomes payable, pay the money less the  
applicable costs mentioned in subsection 2 into court to the  
credit of the minor.

Costs

(2) The insurer may retain out of the insurance money for  
costs incurred upon payment into court under subsection 1,  
the sum of \$10 where the amount does not exceed \$1,000, and  
the sum of \$15 in other cases, and payment of the remainder  
of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under  
subsection 1, but the accountant or other proper officer shall  
receive the money upon the insurer filing with him an affidavit  
showing the amount payable and the name, date of birth and  
residence of the minor, and upon such payment being made the  
insurer shall forthwith notify the Official Guardian and  
deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

251f. Where it appears that a representative of a bene-  
ficiary who is under disability may under the law of the  
domicile of the beneficiary accept payments on behalf of the  
beneficiary, the insurer may make payment to the represen-  
tative and any such payment discharges the insurer to the  
extent of the amount paid.

251g. Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding \$2,000 to, <sup>Payments not exceeding \$2,000</sup>

- (a) a relative by blood or connection by marriage of a person insured or the group person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

251h.—(1) Subject to subsection 2, insurance money is payable in Ontario. <sup>Place of payment</sup>

(2) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group person insured was resident at the time he became insured. <sup>Exception for group insurance</sup>

(3) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere. <sup>Dollars</sup>

(4) Where a person entitled to receive insurance money is not domiciled in Ontario the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment outside Ontario</sup>

(5) Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in Ontario, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid. <sup>Payment to personal representative</sup>

251i. Regardless of the place where a contract was made, a claimant who is a resident of Ontario may bring an action in Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought. <sup>Action in Ontario</sup>



Insurer  
giving  
information

251j. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

Undue  
prominence

251k. The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

Relief  
from  
forfeiture

251l. Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presump-  
tion against  
agency

251m. No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer shall, to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.

Application

(2) Part VII of *The Insurance Act*, as re-enacted by subsection 1, applies to contracts made after this section comes into force.

Idem

(3) In the case of contracts made before this section comes into force and in effect on the day this section comes into force,

(a) sections 227, 228, 229, 230, 237, 240, 241, 242, 246 and sections 248 to 251m of *The Insurance Act*, as re-enacted by this section, apply; and

(b) sections 230, 231, 232, 233, 235, 242 and 245 of *The Insurance Act*, as they existed immediately before this section comes into force, continue to apply.

R.S.O. 1960,  
c. 190, s. 315,  
subs. 2,  
re-enacted

**17.—**(1) Subsection 2 of section 315 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of  
licences

(2) Licences so issued shall be of three classes, that is,

(a) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or



SECTION 17—Subsection 1. The classes of licences are renamed to conform better to present practices.

Subsection 2. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is prescribed as \$2.

SECTION 18. The fixing of the fee for revival of a salesman's licence is left to the Schedule where it is fixed at \$2.

SECTION 19. The amendments provide separate fees for agents, brokers or adjusters who are corporations.

- (b) licences for accident and sickness insurance; or
- (c) licences for all classes of insurance other than life insurance.

(2) Subsection 6 of the said section 315 is amended by striking out "a fee of \$1" in the seventh line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 315,  
subs. 6,  
amended

**18.** Subsection 6 of section 316 of *The Insurance Act* is amended by striking out "a fee of \$1" in the eighth line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 316,  
subs. 6,  
amended

**19.—**(1) Item 12 of Schedule A to *The Insurance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 12,  
amended

(d) where the applicant is a corporation. . . . . 25

(2) Clause c of item 13 of the said Schedule A, as re-enacted by subsection 2 of section 6 of *The Insurance Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 13  
(1968, c. 58,  
s. 6, subs. 2),  
cl. c,  
re-enacted

(c) where the applicant is a corporation. . . . . 25

(d) for transfer or revival of a licence. . . . . 2

(e) all other applicants. . . . . 25

(3) Item 14 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 14,  
re-enacted

14. Licences for insurance brokers and renewals thereof whether corporate or otherwise. . . . . 25

(4) Item 17 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 17,  
re-enacted

17. Licences under subsection 19 of section 315 in the name of a transportation company authorizing its ticket salesmen to act as agent for travel accident insurance, livestock insurance or baggage insurance, and renewals thereof. . . . . 25

**20.—**(1) This Act, except sections 1, 11 and 16, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1 and 16 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

(3) Section 11 comes into force on the 1st day of September, 1969. Idem

**21.** This Act may be cited as *The Insurance Amendment Act, 1968-69*. Short title





An Act to amend  
The Insurance Act

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*1st Reading*

March 19th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

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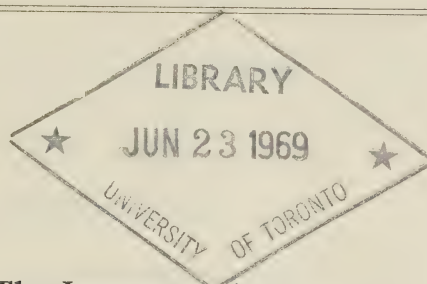
MR. ROWNTREE

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(Reprinted as amended by  
the Legal and Municipal Committee)

## BILL 92

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Insurance Act**

MR. ROWNTREE

TORONTO

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## BILL 92

1968-69

## An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of *The Insurance Act* is re-pealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 8,  
repealed

2. Clause *c* of subsection 4 of section 62 of *The Insurance Act* is amended by striking out "matured" in the second line and inserting in lieu thereof "unmatured", so that the clause shall read as follows: R.S.O. 1960,  
c. 190, s. 62,  
subs. 4, cl. *c*,  
amended

- (*c*) the full amount of the legal reserve in respect of each unmatured life insurance contract as set out in the schedule of contract legal reserves,

. . . . .

3. Paragraph 1 of subsection 2 of section 80 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 80  
(1962-63,  
c. 64, s. 4),  
subs. 2,  
par. 1,  
re-enacted

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D, except that where, upon the application of a company and upon the recommendation of the Superintendent, the Lieutenant Governor in Council is satisfied that a higher rate is appropriate for a particular class of policy issued by the company, the Lieutenant Governor in Council may by order authorize the assumption of such higher rate of interest as the Lieutenant Governor in Council specifies in the order, and the Lieutenant Governor in Council may by order withdraw his authorization at any time and an order of the Lieutenant Governor in Council under this paragraph shall be deemed to be a regulation within the meaning of *The Regulations Act*.

R.S.O. 1960,  
c. 349

R.S.O. 1960,  
c. 190, s. 97,  
subs. 3,  
amended

4. Subsection 3 of section 97 of *The Insurance Act* is amended by striking out "or any promise to pay" in the first and second lines and by striking out "or other promise to pay" in the fourth line, so that the subsection shall read as follows:

Where  
note or  
cheque for  
premium  
not  
honoured

- (3) Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1960,  
c. 190, s. 98,  
amended

5. Section 98 of *The Insurance Act* is amended by adding thereto the following subsection:

Furnishing  
of forms  
not an  
admission

- (3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

R.S.O. 1960,  
c. 190, s. 111,  
stat.  
cond. 15,  
re-enacted

6. Statutory condition 15 in section 111 of *The Insurance Act* is repealed and the following substituted therefor:

**Notice**

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Province. Written notice may be given to the insured named in the contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960,  
c. 190, s. 119,  
subs. 2,  
re-enacted

7. Subsection 2 of section 119 of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Insurance  
on premium  
note plan

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance but a mutual insurance company, without guarantee capital stock incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 190, s. 131,  
amended

8. Section 131 of *The Insurance Act* is amended by adding thereto the following subsection:

Mutual  
insurance  
corporations

- (4) A mutual insurance corporation without guarantee capital stock incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132.

9. Section 132 of *The Insurance Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 190, s. 132,  
amended

(4a) No mutual insurance corporation without guarantee capital stock incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation without guarantee capital stock incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance  
re weather  
insurance  
  
R.S.O. 1960,  
c. 71

(4b) The reinsurance requirement under subsection 4a <sup>Idem</sup> with respect to weather insurance does not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27.

10. Subcondition 8 of statutory condition 4 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the seventh line and inserting in lieu thereof "independently", so that the subcondition shall read as follows: R.S.O. 1960,  
c. 190, s. 204  
(1966, c. 71,  
s. 11),  
stat.  
cond. 4,  
subcond. 8,  
amended

**In Case of Disagreement** (8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

11.—(1) Subsection 1 of section 216 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "\$35,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11)  
subs. 1,  
amended

(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum  
liability  
under  
policy

R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11),  
subs. 2, cl. a,  
amended

(2) Clause *a* of subsection 2 of the said section 216 is amended by striking out "\$30,000" in the second line and inserting in lieu thereof "\$45,000", so that the clause shall read as follows:

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$45,000 over claims arising out of loss of or damage to property; and

. . . . .

R.S.O. 1960,  
c. 190, s. 216  
(1966, c. 71,  
s. 11),  
subs. 3,  
amended

(3) Subsection 3 of the said section 216 is amended by striking out "\$35,000" in the third line and in the fifth line and inserting in lieu thereof in each instance "\$50,000", so that the subsection shall read as follows:

Minimum  
limits  
where  
separate  
limits  
designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$50,000, exclusive of interest and costs, against liability for loss of or damage to property.

R.S.O. 1960,  
c. 190,  
s. 226b  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

**12.** Subsection 2 of section 226b of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line and by striking out "referred to" in the tenth line and inserting in lieu thereof "of the same type as is specified", so that the subsection shall read as follows:

Release by  
claimant

- (2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960,  
c. 138



**13.** Subsection 2 of section 226c of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226c  
(1966, c. 71,  
s. 11),  
subs. 2,  
amended

- (2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

Release by  
claimant

R.S.O. 1960,  
c. 138

**14.** Section 226e of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by inserting after "section" in the second line "226a", so that the section shall read as follows:

R.S.O. 1960,  
c. 190,  
s. 226e  
(1966, c. 71,  
s. 11),  
amended

- 226e. Any person insured by but not named in a contract to which section 226a, 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rights of  
unnamed  
insured

**15.** Section 226j of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 190,  
s. 226j  
(1966, c. 71,  
s. 11),  
amended

- (3) "Rateable proportion" as used in subsection 2 means,

Rateable  
proportion  
defined

- (a) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;
- (b) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;

- (c) if there are more than two insurers liable, clauses *a* and *b* apply *mutatis mutandis*.

R.S.O. 1960, c. 190, Part VII (ss. 227-251), re-enacted **16.**—(1) Subject to subsection 3, Part VII of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1961-62* and section 13 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

## PART VII

### ACCIDENT AND SICKNESS INSURANCE

Interpre-  
tation

227. In this Part,

- (a) “application” means a written application for insurance or for the reinstatement of insurance;
- (b) “beneficiary” means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;
- (c) “blanket insurance” means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;
- (d) “contract” means a contract of insurance;
- (e) “court” means the Supreme Court, or a judge thereof;
- (f) “creditor’s group insurance” means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;
- (g) “declaration” means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,

in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money which is payable in the event of death by accident;

- (h) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (i) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (j) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him;
- (k) "instrument" includes a will;
- (l) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;
- (m) "insured",
  - (i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and
  - (ii) in all other cases means the person who makes a contract with an insurer;
- (n) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;
- (o) "will" includes a codicil.

**Application of Part** 228.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in Ontario.

**Exceptions** (2) This Part does not apply to,

- (a) accidental death insurance; or
- (b) creditor's group insurance; or
- (c) disability insurance; or
- (d) insurance provided under section 226a, 226b or 226c.

**Group insurance** 229. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining,

- (a) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group person insured if he was resident in Ontario at the time he became insured.

**Issue of policy** 230. An insurer entering into a contract shall issue a policy.

**Exceptions** 231.—(1) This section does not apply to,

- (a) a contract of group insurance; or
- (b) a contract made by a fraternal society.

**Contents of policy** (2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person insured.
2. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
3. The amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid.
4. The conditions upon which the contract may be reinstated if it lapses.



5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

232. In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy: <sup>Contents of group policy</sup>

1. The name or a sufficient description of the insured.
2. The method of determining the group persons insured and persons insured.
3. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

233.—(1) Except as provided in subsection 2, in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group person insured a certificate or other document in which are set forth the following particulars: <sup>Contents of group certificate</sup>

1. The name of the insurer and a sufficient identification of the contract.
2. The amount or the method of determining the amount of insurance on the group person insured and on any person insured.
3. The circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less. <sup>Exception</sup>

234.—(1) Subject to section 235 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions" or "Reductions". <sup>Exceptions or reduction</sup>

- Idem** (2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.
- Idem** (3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.
- Idem** (4) The exception or reduction mentioned in section 247 need not be set forth in the policy.
- Idem** (5) This section does not apply to a contract made by a fraternal society.
- Statutory conditions** 235. Subject to section 236, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

#### STATUTORY CONDITIONS

**The Contract**

1.—(1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

**Waiver**

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

**Copy of Application**

(3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

**Material Facts**

2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or answers furnished as evidence of insurability.

**Changes in Occupation**

3.—(1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

(a) reduce the premium rate; or

(b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

**Relation of Earnings to Insurance**

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

**Termination by Insured**

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Province, or by delivery thereof to an authorized agent of the insurer in the Province, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

**Termination by Insurer**

6.—(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the *pro rata* premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

**Notice and Proof of Claim**

7.—(1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall

(a) give written notice of claim to the insurer,

(i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Province, or

(ii) by delivery thereof to an authorized agent of the insurer in the Province,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

(b) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

- (c) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim may be made under the contract and as to the duration of such disability.

**Failure to Give Notice or Proof**

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

**Insurer to Furnish Forms for Proof of Claim**

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

**Rights of Examination**

9. As a condition precedent to recovery of insurance moneys under this contract,
- (a) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending, and
- (b) in the case of death of the person insured, the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

**When Moneys Payable Other Than for Loss of Time**

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

**When Loss of Time Benefits Payable**

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

**Limitation of Actions**

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than one year after the date the insurance money became payable or would have become payable if it had been a valid claim.

Omission or variation of conditions

236.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.



(3) Statutory conditions 5 and 6 shall be omitted from the <sup>Idem</sup> policy if the contract does not provide that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted.

(4) Statutory conditions 3, 4, 5, 6 and 9, and subject to <sup>Idem</sup> the restriction in subsection 5, statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 235.

(5) Clauses *a* and *b* of paragraph 1 of statutory condition 7 <sup>Idem</sup> may not be varied in policies providing benefits for loss of time.

(6) Statutory conditions 10 and 11 may be varied by short- <sup>Idem</sup> ening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(7) The title of a statutory condition shall be reproduced <sup>Idem</sup> in the policy along with the statutory condition, but the number of a statutory condition may be omitted.

(8) In the case of a contract made by a fraternal society, <sup>Contract by fraternal society</sup>

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1:

**The Contract**

1.—(1) This policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 shall not be printed on the policy.

237. In the case of a policy of accident insurance of a non- <sup>Notice of statutory conditions</sup> renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type:

“Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in *The Insurance Act* respecting contracts of <sup>R.S.O. 1960, c. 190</sup> accident insurance.

Termination  
for non-  
payment of  
initial or  
renewal  
premium

238.—(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

- (a) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such premium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and
- (b) the contract may be terminated for the non-payment of the premium by the insurer upon ten days notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception

(2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right  
where  
premium  
unpaid

239.—(1) An insurer may,

- (a) deduct unpaid premiums from an amount that it is liable to pay under a contract; or
- (b) sue the insured for unpaid premiums.

Where  
cheque or  
note for  
premium  
not paid

(2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor the premium or part thereof shall be deemed never to have been paid.

Exception

(3) Clause *a* of subsection 1 does not apply to a contract of group insurance.

Idem

(4) This section does not apply to a contract made by a fraternal society.

Insurable  
interest

240. Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and well-being and in the life and well-being of,

- (a) his child or grandchild;
- (b) his spouse;

- (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;
- (d) his officer or employee; and
- (e) any person in whom he has a pecuniary interest.

241.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect, the insured has no insurable interest, the contract is void. Lack of insurable interest

(2) A contract is not void for lack of insurable interest, Exceptions

- (a) if it is a contract of group insurance; or
- (b) if the person insured has consented in writing to the insurance.

(3) Where the person insured is under the age of sixteen years, consent to the insurance may be given by one of his parents or by a person standing *in loco parentis* to him. Consent of minors

#### POLICIES ON LIVES OF MINORS

242.—(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years, Capacity of minor

- (a) to make an enforceable contract; and
- (b) in respect of a contract.

(2) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a valid discharge therefor. Capacity of minor beneficiary

#### MISREPRESENTATION AND NON-DISCLOSURE

243.—(1) An applicant for insurance on his own behalf and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other. Duty to disclose

(2) Subject to sections 244 and 247, a failure to disclose, or a misrepresentation of, such a fact renders a contract voidable by the insurer. Failure to disclose

Group  
insurance  
failure to  
disclose

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or a person insured under the contract does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 244, voidable by the insurer.

Incontest-  
ability

244.—(1) Subject to section 247 and except as provided in subsection 2,

- (a) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable;
- (b) where a contract of group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

Exception

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

Application  
of incontest-  
ability to  
reinstatement

245. Sections 243 and 244 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose or a misrepresentation at that time, and the period of two years to which reference is made in section 244 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing  
conditions

246. Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,



- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss incurred or commencement of disability with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract.

247.—(1) Subject to subsections 2 and 3, if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either, <sup>Misstatement of age</sup>

- (a) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or
- (b) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

(2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply. <sup>Misstatement of age in group insurance</sup>

(3) Where the age of a person affects the commencement or termination of the insurance, the true age governs. <sup>True age governs</sup>

#### BENEFICIARIES

248.—(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident, and may from time to time alter or revoke the designation by declaration. <sup>Designation of beneficiary</sup>

(2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will. <sup>Designation in invalid will</sup>

(3) A designation in a will is of no effect against a designation made later than the making of the will. <sup>Priorities</sup>

- Revocation** (4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.
- Idem** (5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.
- Meaning of "heirs", etc.** 249.—(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.
- Death of beneficiary** (2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by declaration, the share is payable,
- (a) to the surviving beneficiary; or
  - (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
  - (c) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.
- Right to sue** (3) A beneficiary designated under section 248 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 250 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.
- Trustee for beneficiary** 250. An insured may in a contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.
- Documents affecting title** 251.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.

(2) Subsection 1 does not affect the rights or interests of <sup>Saving</sup> any person other than the insurer.

(3) Where an assignee of a contract gives notice in writing <sup>Interest of assignee</sup> of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,

(a) any assignee other than one who gave notice earlier in like manner; and

(b) a beneficiary.

(4) Where a contract is assigned unconditionally and other- <sup>Assignee deemed to be insured</sup> wise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.

(5) A provision in a contract to the effect that the rights or <sup>Prohibition against assignment</sup> interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable, is valid.

251a.—(1) Where a beneficiary is designated, any insurance <sup>Insurance money free from creditors</sup> money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured, and is not subject to the claims of the creditors of the insured.

(2) While there is in effect a designation of beneficiary in <sup>Contract exempt from seizure</sup> favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.

251b. A group person insured may, in his own name, enforce <sup>Group person insured enforcing rights</sup> a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured.

251c. Unless a contract or a declaration otherwise provides, <sup>Simultaneous deaths</sup> where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 2 of section 249 as if the beneficiary had predeceased the person insured or group person insured.

251d.—(1) Where the insurer admits liability for the insur- <sup>Payment into court</sup> ance money or any part thereof, and it appears to the insurer that,

(a) there are adverse claimants; or

(b) the whereabouts of the person entitled is unknown;  
or

(c) there is no person capable of giving or authorized to  
give a valid discharge therefor who is willing to do so,

the insurer may apply *ex parte* to the court for an order for  
payment of money into court, and the court may upon such  
notice, if any, as it deems necessary, make an order accord-  
ingly.

Costs of  
proceedings

(2) The court may fix without taxation the costs incurred  
upon or in connection with any application or order made  
under subsection 1, and may order the costs to be paid out of  
the insurance money or by the insurer or otherwise as it deems  
just.

Discharge  
of insurer

(3) A payment made pursuant to an order under subsection  
1 discharges the insurer to the extent of the payment.

Where  
beneficiary  
a minor

251e.—(1) Where an insurer admits liability for insurance  
money payable to a minor and there is no person capable of  
giving and authorized to give a valid discharge therefor who is  
willing to do so, the insurer may at any time after thirty days  
from the date of the happening of the event upon which the  
insurance money becomes payable, pay the money less the  
applicable costs mentioned in subsection 2 into court to the  
credit of the minor.

Costs

(2) The insurer may retain out of the insurance money for  
costs incurred upon payment into court under subsection 1,  
the sum of \$10 where the amount does not exceed \$1,000, and  
the sum of \$15 in other cases, and payment of the remainder  
of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under  
subsection 1, but the accountant or other proper officer shall  
receive the money upon the insurer filing with him an affidavit  
showing the amount payable and the name, date of birth and  
residence of the minor, and upon such payment being made the  
insurer shall forthwith notify the Official Guardian and  
deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

251f. Where it appears that a representative of a bene-  
ficiary who is under disability may under the law of the  
domicile of the beneficiary accept payments on behalf of the  
beneficiary, the insurer may make payment to the represen-  
tative and any such payment discharges the insurer to the  
extent of the amount paid.



251g. Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding \$2,000 to,

- (a) a relative by blood or connection by marriage of a person insured or the group person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

251h.—(1) Subject to subsection 2, insurance money is payable in Ontario.

(2) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group person insured was resident at the time he became insured.

(3) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere.

(4) Where a person entitled to receive insurance money is not domiciled in Ontario the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid.

(5) Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in Ontario, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid.

251i. Regardless of the place where a contract was made, a claimant who is a resident of Ontario may bring an action in Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought.

Insurer giving information	251j. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.
Undue prominence	251k. The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.
Relief from forfeiture	251l. Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.
Presumption against agency	251m. No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer shall, to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.
Application	(2) Part VII of <i>The Insurance Act</i> , as re-enacted by subsection 1, applies to contracts made after this section comes into force.
Idem	<p>(3) In the case of contracts made before this section comes into force and in effect on the day this section comes into force,</p> <p>(a) sections 227, 228, 229, 230, 237, 240, 241, 242, 246 and sections 248 to 251m of <i>The Insurance Act</i>, as re-enacted by this section, apply; and</p> <p>(b) sections 230, 231, 232, 233, 235, 242 and 245 of <i>The Insurance Act</i>, as they existed immediately before this section comes into force, continue to apply.</p>
R.S.O. 1960, c. 190, s. 315, subs. 2, re-enacted	<b>17.—</b> (1) Subsection 2 of section 315 of <i>The Insurance Act</i> is repealed and the following substituted therefor:
Classes of licences	<p>(2) Licences so issued shall be of three classes, that is,</p> <p>(a) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or</p>

- (b) licences for accident and sickness insurance; or
- (c) licences for all classes of insurance other than life insurance.

(2) Subsection 6 of the said section 315 is amended by striking out "a fee of \$1" in the seventh line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 315  
subs. 6,  
amended

**18.** Subsection 6 of section 316 of *The Insurance Act* is amended by striking out "a fee of \$1" in the eighth line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960,  
c. 190, s. 316,  
subs. 6,  
amended

**19.**—(1) Item 12 of Schedule A to *The Insurance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 12,  
amended

(d) where the applicant is a corporation. . . . . 25

(2) Clause *c* of item 13 of the said Schedule A, as re-enacted by subsection 2 of section 6 of *The Insurance Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 13  
(1968, c. 58,  
s. 6, subs. 2),  
cl. c,  
re-enacted

(c) where the applicant is a corporation. . . . . 25

(d) for transfer or revival of a licence. . . . . 2

(e) all other applicants. . . . . 25

(3) Item 14 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 14,  
re-enacted

14. Licences for insurance brokers and renewals thereof whether corporate or otherwise. . . . . 25

(4) Item 17 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Sched. A,  
item 17,  
re-enacted

17. Licences under subsection 19 of section 315 in the name of a transportation company authorizing its ticket salesmen to act as agent for travel accident insurance, livestock insurance or baggage insurance, and renewals thereof. . . . . 25

**20.**—(1) This Act, except sections 1, 11 and 16, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1 and 16 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

(3) Section 11 comes into force on the 1st day of September, 1969. Idem

**21.** This Act may be cited as *The Insurance Amendment Act, 1968-69*. Short title







An Act to amend  
The Insurance Act

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*1st Reading*

March 19th, 1969

*2nd Reading*

March 26th, 1969

*3rd Reading*

May 7th, 1969

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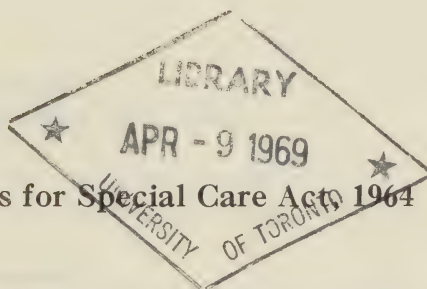
MR. ROWNTREE

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## BILL 93

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Homes for Special Care Act, 1964



MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The proposed amendment authorizes regulations to be made respecting the location of homes for special care.

BILL 93

1968-69

**An Act to amend  
The Homes for Special Care Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 7 of *The Homes for Special Care Act*, 1964, c. 39, s. 7, cl. *a*, 1964 is amended by inserting after "construction" in the first amended line "location", so that the clause shall read as follows:

(a) their construction, location, alteration, equipment, safety, maintenance and repair.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Homes for Special Care* <sup>Short title</sup> *Amendment Act, 1968-69.*

An Act to amend  
The Homes for Special Care Act, 1964

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*1st Reading*

March 20th, 1969

*2nd Reading*

*3rd Reading*

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MR. DYMOND

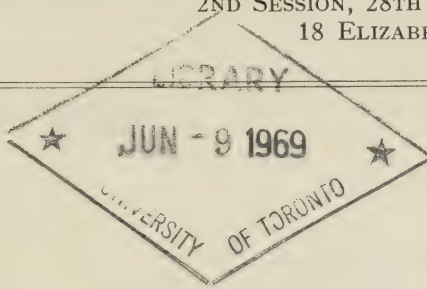
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**BILL 93**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Homes for Special Care Act, 1964**

MR. DYMOND



BILL 93

1968-69

**An Act to amend  
The Homes for Special Care Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 7 of *The Homes for Special Care Act*, <sup>1964, c. 39,</sup>  
*1964* is amended by inserting after "construction" in the first <sup>s. 7, cl. *a*</sup> amended  
line "location", so that the clause shall read as follows:

(a) their construction, location, alteration, equipment,  
safety, maintenance and repair.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Homes for Special Care* <sup>Short title</sup>  
*Amendment Act, 1968-69.*

An Act to amend  
The Homes for Special Care Act, 1964

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*1st Reading*

March 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. DYMOND

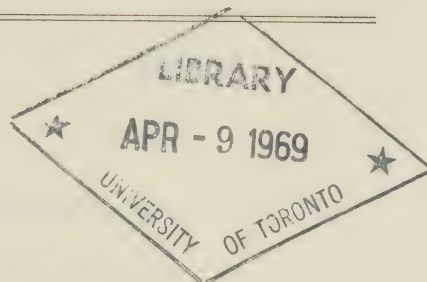
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**BILL 94**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Pharmacy Act**

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MR. DYMOND

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#### EXPLANATORY NOTE

The clause deleted makes the Act subject to any Act of the Parliament of Canada. The clause is redundant in so far as the Parliament of Canada has jurisdiction.

BILL 94

1968-69

## An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 2 of *The Pharmacy Act* is repealed. R.S.O. 1960,  
c. 295, s. 2,  
cl. *a*,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Pharmacy Amendment Act, 1968-69*. Short title



An Act to amend The Pharmacy Act

*1st Reading*

March 20th, 1969

*2nd Reading*

*3rd Reading*

MR. DYMOND

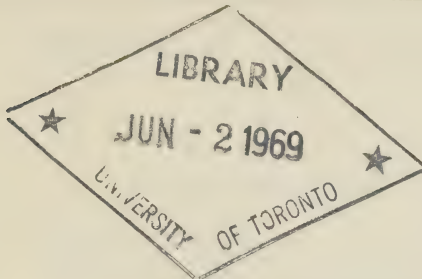
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**BILL 94**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Pharmacy Act**

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MR. DYMOND

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BILL 94

1968-69

### An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 2 of *The Pharmacy Act* is repealed. R.S.O. 1960,  
c. 295, s. 2,  
cl. *a*,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Pharmacy Amendment Act, 1968-69*. Short title

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An Act to amend The Pharmacy Act

---

*1st Reading*

March 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. DYMOND

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Nursing Homes Act, 1966



MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The new provision provides for relocation of residents in an unlicensed nursing home.

SECTION 2. A general penalty is provided for contraventions of the Act.

SECTION 3. The proposed amendment authorizes regulations to be made respecting the location of nursing homes.



## BILL 95

1968-69

## An Act to amend The Nursing Homes Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Nursing Homes Act, 1966* is amended by adding<sup>1966, c. 99, amended</sup> thereto the following sections:

10a. Where a nursing home is operating without a licence,<sup>Vacating unlicensed home</sup> each resident therein shall arrange to vacate the nursing home as soon as it is practicable and the Minister shall assist in finding appropriate alternative accommodation.

. . . . .

11a. Any person who contravenes any provision of this<sup>Penalty</sup> Act or the regulations for which no penalty is otherwise provided, except section 10a, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. Clause *c* of subsection 1 of section 12 of *The Nursing Homes Act, 1966*, is amended by inserting after "establish-<sup>1966, c. 99, s. 12, subs. 1, amended</sup>ment" in the first line "location", so that the clause shall read as follows:

(c) respecting the construction, establishment, location, alteration, safety, equipment, maintenance and repair of nursing homes.

3. This Act comes into force on the day it receives Royal<sup>Commence-ment</sup> Assent.

4. This Act may be cited as *The Nursing Homes Amend-<sup>Short title</sup>ment Act, 1968-69*.

An Act to amend  
The Nursing Homes Act, 1966

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*1st Reading*

March 20th, 1969

*2nd Reading*

*3rd Reading*

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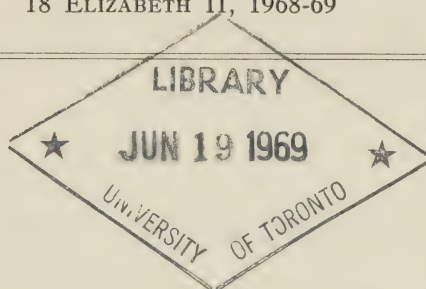
MR. DYMOND

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**BILL 95**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Nursing Homes Act, 1966**

MR. DYMOND



## BILL 95

1968-69

## An Act to amend The Nursing Homes Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Nursing Homes Act, 1966* is amended by adding <sup>1966, c. 99, amended</sup> thereto the following sections:

10a. Where a nursing home is operating without a licence, <sup>Vacating unlicensed home</sup> each resident therein shall arrange to vacate the nursing home as soon as it is practicable and the Minister shall assist in finding appropriate alternative accommodation.

. . . . .

11a. Any person who contravenes any provision of this <sup>Penalty</sup> Act or the regulations for which no penalty is otherwise provided, except section 10a, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. Clause *c* of subsection 1 of section 12 of *The Nursing Homes Act, 1966*, is amended by inserting after "establish- <sup>1966, c. 99, s. 12, subs. 1, amended</sup> ment" in the first line "location", so that the clause shall read as follows:

(c) respecting the construction, establishment, location, alteration, safety, equipment, maintenance and repair of nursing homes.

3. This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

4. This Act may be cited as *The Nursing Homes Amend- <sup>Short title</sup> ment Act, 1968-69*.

An Act to amend  
The Nursing Homes Act, 1966

---

*1st Reading*

March 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. DYMOND

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## BILL 96

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Pesticides Act, 1967

MR. DYMOND



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



An Act to amend  
The Nursing Homes Act, 1966

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*1st Reading*

March 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. DYMOND

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## BILL 96

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Pesticides Act, 1967

MR. DYMOND



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The definitions of "land extermination" and "structural extermination" are amended to include prevention and to clarify the intention that termite extermination is the function of a structural exterminator.

SECTION 2. Members and officers of the Pesticides Advisory Board are exempted from personal liability for anything done in good faith under the Act or regulations.

## An Act to amend The Pesticides Act, 1967

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *g* of section 1 of *The Pesticides Act, 1967* is <sup>1967, c. 74,</sup> amended by inserting after “destruction” in the first line <sup>s. 1, cl. *g*,</sup> “prevention”, and by adding at the end thereof “but does not <sup>amended</sup> include the destruction, prevention or control of termites”, so that the clause shall read as follows:

- (*g*) “land extermination” means the destruction, prevention or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance but does not include the destruction, prevention or control of termites.

(2) Clause *l* of the said section 1 is amended by inserting <sup>1967, c. 74,</sup> after “destruction” in the first line “prevention”, and by <sup>s. 1, cl. *l*,</sup> adding at the end thereof “and includes the destruction, prevention or control of termites”, so that the clause shall read as follows:

- (*l*) “structural extermination” means the destruction, prevention or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance and includes the destruction, prevention or control of termites.

**2.** Section 5 of *The Pesticides Act, 1967* is amended by <sup>1967, c. 74,</sup> adding thereto the following subsection: <sup>s. 5,</sup> <sup>amended</sup>

- (5) No member of the Board or officer of the Board is <sup>Personal</sup> personally liable for anything done by him in good <sup>liability</sup> faith under, or purporting to be under, the authority of this Act or the regulations.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Pesticides Amendment Act, 1968-69*.









An Act to amend The Pesticides Act, 1967

*1st Reading*

March 20th, 1969

*2nd Reading*

*3rd Reading*

MR. DYMOND

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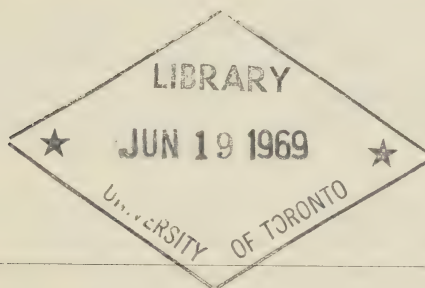
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BILL 96

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Pesticides Act, 1967



MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 96

1968-69

## An Act to amend The Pesticides Act, 1967

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *g* of section 1 of *The Pesticides Act, 1967* is <sup>1967, c. 74,</sup> amended by inserting after “destruction” in the first line <sup>s. 1, cl. *g*,</sup> “prevention”, and by adding at the end thereof “but does not include the destruction, prevention or control of termites”, so that the clause shall read as follows:

(*g*) “land extermination” means the destruction, prevention or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance but does not include the destruction, prevention or control of termites.

(2) Clause *l* of the said section 1 is amended by inserting <sup>1967, c. 74,</sup> after “destruction” in the first line “prevention”, and by <sup>s. 1, cl. *l*,</sup> adding at the end thereof “and includes the destruction, prevention or control of termites”, so that the clause shall read as follows:

(*l*) “structural extermination” means the destruction, prevention or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance and includes the destruction, prevention or control of termites.

**2.** Section 5 of *The Pesticides Act, 1967* is amended by <sup>1967, c. 74,</sup> adding thereto the following subsection: <sup>s. 5,</sup> amended

(5) No member of the Board or officer of the Board is <sup>Personal</sup> personally liable for anything done by him in good <sup>liability</sup> faith under, or purporting to be under, the authority of this Act or the regulations.

Commence-  
ment      **3.** This Act comes into force on the day it receives Royal Assent.

Short title      **4.** This Act may be cited as *The Pesticides Amendment Act, 1968-69*.









An Act to amend The Pesticides Act, 1967

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*1st Reading*

March 20th, 1969

*2nd Reading*

March 31st, 1969

*3rd Reading*

May 7th, 1969

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MR. DYMOND

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## BILL 97

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

## An Act respecting The Department of Health



MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill codifies the functions of the Department of Health, heretofore unwritten.

BILL 97

1968-69

## An Act respecting The Department of Health

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Department" means the Department of Health;

(b) "Deputy Minister" means the Deputy Minister of Health;

(c) "Minister" means the Minister of Health.

**2.**—(1) The department of the public service known as the Department of Health is continued.

Department  
continued

(2) The Minister shall preside over and have charge of the Department.

Minister  
to have  
charge

(3) The Deputy Minister shall be the chief medical officer for Ontario and he shall perform such duties as are assigned to him by the Lieutenant Governor in Council or the Minister.

Deputy  
Minister

(4) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff  
1961-62,  
c. 121

**3.** The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Administra-  
tion of Acts

**4.**—(1) The Minister shall,

Duties of  
Minister

(a) advise the Government in respect of the health of the people of Ontario;

- (b) oversee and promote the health and the physical and mental well-being of the people of Ontario.

Idem

(2) The Minister in exercising his powers and carrying out his duties and functions under this Act,

- (a) shall inquire into and determine the health facilities, services and personnel required to meet the health needs of the people of Ontario;
- (b) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met;
- (c) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;
- (d) may initiate or promote research and planning studies into matters relating to the health needs of the Province of Ontario.

Agreements  
for provision  
of health  
facilities,  
etc.

**5.** The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of health facilities, services or personnel referred to in clause *a* of subsection 2 of section 4.

Grants

**6.** The Minister may, out of the moneys appropriated by the Legislature therefor,

- (a) make grants to universities and any non-profit organizations for research and training of persons for the health sciences field in such amounts and upon such terms and conditions as the regulations prescribe;
- (b) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;
- (c) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;
- (d) convene conferences and conduct seminars and educational programs respecting health matters.

**7.**—(1) There shall be a senior advisory body to the <sup>Ontario Council of Health</sup> Government and to the Minister on health matters, known as the Ontario Council of Health, consisting of the Deputy Minister who shall be chairman and such other persons numbering not fewer than sixteen, as are appointed members by the Lieutenant Governor in Council.

(2) It is the duty of the Council to advise the Government <sup>Duties</sup> and the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister or the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council or the Minister <sup>Appointment of advisory committees</sup> may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

**8.** The Minister may,

(a) collect such information and statistics respecting <sup>Statistics and information</sup> health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are deemed necessary or advisable;

(b) publish any information collected under clause a.

**9.** The Minister after the close of each year shall submit <sup>Annual report</sup> to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**10.** After this section comes into force, all annual reports <sup>Deemed to include other reports</sup> required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 9 and need not be submitted in accordance with such other Act.

**11.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations providing for the payment of grants, bursaries and loans for the purposes of section 6.

**12.**—(1) This Act, except sections 9 and 10, comes into <sup>Commence-ment</sup> force on the day it receives Royal Assent.

(2) Sections 9 and 10 come into force on a day to be named <sup>Idem</sup> by the Lieutenant Governor by his proclamation.

**13.** This Act may be cited as *The Department of Health* <sup>Short title</sup> Act, 1968-69.







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An Act respecting  
The Department of Health

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*1st Reading*

March 20th, 1969

*2nd Reading*

*3rd Reading*

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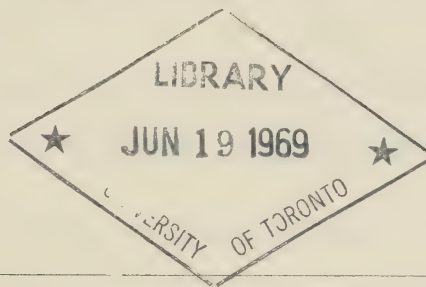
MR. DYMOND

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BILL 97

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act respecting The Department of Health



MR. DYMOND



BILL 97

1968-69

## An Act respecting The Department of Health

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Department" means the Department of Health;

(b) "Deputy Minister" means the Deputy Minister of Health;

(c) "Minister" means the Minister of Health.

2.—(1) The department of the public service known as <sup>Department continued</sup> the Department of Health is continued.

(2) The Minister shall preside over and have charge of the <sup>Minister to have charge</sup> Department.

(3) The Deputy Minister shall be the chief medical officer <sup>Deputy Minister</sup> for Ontario and he shall perform such duties as are assigned to him by the Lieutenant Governor in Council or the Minister.

(4) Such officers, clerks and servants may be appointed <sup>Staff</sup> under *The Public Service Act, 1961-62* as are required from <sup>1961-62, c. 121</sup> time to time for the proper conduct of the business of the Department.

3. The Minister is responsible for the administration of <sup>Administra-  
tion of Acts</sup> this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

4.—(1) The Minister shall,

Duties of  
Minister

(a) advise the Government in respect of the health of the people of Ontario;

- (b) oversee and promote the health and the physical and mental well-being of the people of Ontario.

Idem

(2) The Minister in exercising his powers and carrying out his duties and functions under this Act,

- (a) shall inquire into and determine the health facilities, services and personnel required to meet the health needs of the people of Ontario;
- (b) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met;
- (c) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;
- (d) may initiate or promote research and planning studies into matters relating to the health needs of the Province of Ontario.

Agreements  
for provision  
of health  
facilities,  
etc.

5. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of health facilities, services or personnel referred to in clause *a* of subsection 2 of section 4.

Grants

6. The Minister may, out of the moneys appropriated by the Legislature therefor,

- (a) make grants to universities and any non-profit organizations for research and training of persons for the health sciences field in such amounts and upon such terms and conditions as the regulations prescribe;
- (b) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;
- (c) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;
- (d) convene conferences and conduct seminars and educational programs respecting health matters.

**7.**—(1) There shall be a senior advisory body to the Government and to the Minister on health matters, known as the Ontario Council of Health, consisting of the Deputy Minister who shall be chairman and such other persons numbering not fewer than sixteen, as are appointed members by the Lieutenant Governor in Council.

(2) It is the duty of the Council to advise the Government and the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister or the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council or the Minister may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

**8.** The Minister may,

- (a) collect such information and statistics respecting health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are deemed necessary or advisable;

- (b) publish any information collected under clause a.

**9.** The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**10.** After this section comes into force, all annual reports required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 9 and need not be submitted in accordance with such other Act.

**11.** The Lieutenant Governor in Council may make regulations providing for the payment of grants, bursaries and loans for the purposes of section 6.

**12.**—(1) This Act, except sections 9 and 10, comes into force on the day it receives Royal Assent.

(2) Sections 9 and 10 come into force on a day to be named by the Lieutenant Governor by his proclamation.

**13.** This Act may be cited as *The Department of Health Act, 1968-69*.







An Act respecting  
The Department of Health

*1st Reading*

March 20th, 1969

*2nd Reading*

April 28th, 1969

*3rd Reading*

May 7th, 1969

MR. DYMOND











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